

By Mr. WALDO: Petition of Frederick J. Kreutzell, Max R. Stein, Leo Haber, George Hayman, P. J. Colger, and Voss Brothers, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. WASHBURN: Petition of citizens of Worcester, Mass., against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of H. L. Wheeler and others, of Pomona Grange, representing 700 Patrons of Husbandry, in favor of a parcels-post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Frank L. Kirby—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, January 8, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. LODGE. I ask that the further reading of the Journal be dispensed with.

Mr. CULBERSON. I object, Mr. President.

The VICE-PRESIDENT. Objection is made. The Secretary will resume the reading of the Journal.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

MANUFACTURED PRODUCTS IN FOREIGN MARKETS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, stating, by direction of the President and in response to a resolution of the 16th ultimo, that the Department of Commerce and Labor possesses no data which would enable the preparation of a statement of all manufactured products of the United States sold or exported to be sold in foreign markets at lower rates than like articles are sold in American markets (S. Doc. No. 640), which was referred to the Committee on Finance and ordered to be printed.

ELECTORAL VOTES OF OKLAHOMA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certification of the final ascertainment of electors for President and Vice-President appointed in the State of Oklahoma, which, with the accompanying paper, was ordered to be filed.

REPORT OF AMERICAN INSTRUCTORS OF THE DEAF.

The VICE-PRESIDENT laid before the Senate, pursuant to law, the report of the convention of American Instructors of the Deaf (S. Doc. No. 645), which was referred to the Committee on Education and Labor and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of T. F. Gough, administrator of the estate of Mary A. Gough, deceased, v. United States (S. Doc. No. 643); and

In the cause of William E. Floyd, administrator of the estate of Asa Crow, deceased, v. United States (S. Doc. No. 642).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 19095. An act authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Percé Indian Reservation; and

H. R. 21458. An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill, and it was thereupon signed by the Vice-President:

H. R. 13649. An act providing for the hearing of cases on appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth district.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of the Synod of Ohio; the Synod of Baltimore, Md.; the Synod of California; the Synod of Illinois, and the Synod of Indiana, all of the Presbyterian Church of the United States, praying for the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Synod of Ohio; the Synod of Kansas; the Synod of Baltimore, Md., and the Synod of California, all of the Presbyterian Church of the United States, praying for the enactment of legislation requiring all individuals and corporations engaged in interstate commerce to grant their employees fifty-two rest days in each year, which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Wood County, Ohio; of Gaffney, S. C.; of Cass County, Mo.; of Udoora and Omega, Okla.; of Iron River, Mich.; and of Clyde, San Marcial, and San Antonio, N. Mex., remonstrating against the passage of the so-called "Johnston Sunday-rest bill for the District of Columbia," which were referred to the Committee on the District of Columbia.

He also presented a petition of the Central Labor Union of the District of Columbia, praying for the enactment of legislation providing a new form of government for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of Local Grange No. 28, of New Hope, N. Y.; of Resort Grange, No. 341, of Emmet County, Mich.; of Emerald Grange, No. 789, of Conewango Valley, N. Y., all Patrons of Husbandry, and of sundry citizens of the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., praying for the enactment of legislation to arrest the tendency of federal courts to invade the rights of the citizens, which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a memorial of sundry citizens of Maestown, W. Va., remonstrating against the passage of the so-called "postal savings banks" bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DILLINGHAM presented petitions of sundry citizens of the State of Vermont, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a petition of sundry citizens of Central Lake, Mich., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PILES presented a petition of sundry citizens of Camas, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of sundry citizens of Princeton, Minn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Trades and Labor Assembly of Minneapolis, Minn., remonstrating against any steps being taken by the United States Government for the delivery of Jan Pauren and Christian Rudowitz to the Russian Government, and praying for the discharge of Martin Juraw from imprisonment in Chicago, Ill., which was referred to the Committee on Foreign Relations.

Mr. WARNER presented the petition of Eliza Smith, of Liberty, Mo., praying that she be reimbursed for property taken by United States troops during the civil war, which was referred to the Committee on Claims.

He also presented the petition of Benjamin F. McCallum, of Missouri City, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Samuel T. Skidmore, of Jackson County, Mo., praying that he be reimbursed for property taken by United States troops during the civil war, which was referred to the Committee on Claims.

He also presented the petition of Catherine La Brash, of Kansas City, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Emily S. Applegate, of Birmingham, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of John Allen, of Jackson

County, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Theodore Holrscher, of Concordia, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Patterson McGeehon, of Kansas City, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Martha A. Young, of Kansas City, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

Mr. WETMORE presented a petition of sundry citizens of East Greenwich, R. I., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented a petition of the Woman's Christian Temperance Union of Haddonfield, N. J., praying for the enactment of legislation to establish a federal children's bureau, which was referred to the Committee on Education and Labor.

He also presented a petition of Shrewsbury Grange, No. 161, Patrons of Husbandry, of Red Bank, N. J., praying for the passage of the so-called "parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Paterson, Nutley, Hasbrouck Heights, Bogota, Weehawken Heights, Hawthorne, Ridgewood, Jersey City, Woodridge, Leonia, and Rutherford, all in the State of New Jersey, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented the petition of Walter E. Reinhart, of Cranford, N. J., praying for the enactment of legislation to classify assistant postmasters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HEMENWAY presented petitions of sundry citizens of Grayford, Laporte, and Macy, all in the State of Indiana, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented petitions of New London County Pomona Grange, No. 6, of New London; of Preston City Grange, No. 110, of Norwich; of Farmill River Grange, No. 130, of Shelton; of Chester Grange, No. 158, of Chester; Whigville Grange, No. 48, of Bristol; Plymouth Grange, No. 72, of Plymouth; Natchang Grange, No. 68, of Chaplin; Clinton Grange, No. 77, of Clinton, and of Suffield Grange, No. 27, of Suffield, Patrons of Husbandry, all in the State of Connecticut, praying for the passage of the so-called "parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented petitions of sundry citizens of Brainerd, St. Paul, Duluth, Cass Lake, Red Wing, and Minneapolis, all in the State of Minnesota, praying for the adoption of certain amendments to the present Sherman antitrust law, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of the Chamber of Commerce of Red Bluff, Cal., remonstrating against the increase in overland freight rates and praying that the jurisdiction of the Interstate Commerce Commission be increased, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Stockton, Cal., remonstrating against the proposed increase in freight rates and praying that the Government establish a line of steamships on the Pacific Ocean in connection with the Panama Railroad, which was referred to the Committee on Commerce.

BATTLEFIELD PARK AT NEW ORLEANS.

Mr. FOSTER. I present concurrent resolutions adopted at the session of the general assembly of Louisiana in 1908, favoring the enactment of legislation for the establishment of a national park on the battlefield of New Orleans, etc. I ask that the concurrent resolutions be printed in the Record and referred to the Committee on Military Affairs.

The concurrent resolutions were referred to the Committee on Military Affairs and ordered to be printed in the Record, as follows:

Senate and house concurrent resolutions memorializing the Congress of the United States, adopted at the session of the general assembly of Louisiana in 1908, and requiring the secretary of state to send copies thereof to the United States Senators and Representatives from Louisiana.

[Act No. 78. House concurrent resolution 27. By Mr. Roy, of St. Bernard.]

Whereas the great victory achieved by the American arms at the battle of New Orleans on the 8th day of January, 1815, whereby an

invading army was driven from our shores, the far-reaching result of which redounded to the glory and expansion of the country; and

Whereas through the valor of American arms the State of Louisiana, as well as the vast territory west of the Mississippi River, was saved from the grasp of monarchical government; and

Whereas it is deemed of the highest importance to preserve the memory of this victory and to impress upon the youth of our country the national importance of the momentous issues involved: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and are hereby, requested to enact legislation necessary to establish and maintain a national park on the scene of this historic battle; and be it further

Resolved, That the secretary of state is hereby instructed to transmit a copy of this resolution, together with its preamble, to the Congress of the United States and to each of the United States Senators and Congressmen of the State of Louisiana.

Approved June 30, 1908.

[Act No. 175. House concurrent resolution 30. By Mr. Roy, of St. Bernard.]

Whereas New Orleans ranks in the forefront of the great and important seaports in the world and is endowed with unsurpassed advantages and modern and extensive shipping facilities, by reason of which fact the southern metropolis stands unexcelled as a commercial center; and

Whereas New Orleans is the gateway of the vast Mississippi Valley and the rich and productive territory contiguous to it, which supplies, to a large extent, domestic and foreign markets with indispensable commodities; and

Whereas it is deemed advisable and wise that the defenses of the Mississippi Valley at Forts St. Philip and Jackson, near the mouth of the Mississippi River, be modernized and enlarged, so as to keep pace with the increasing wealth, commercial importance, and prestige of the large expanse of territory constituting the Mississippi Valley and to afford proper and adequate protection from invasion by a foreign foe in the event of hostilities; and

Whereas it is desirable and imperative that the armament recommended by the Coast Defense Board in 1905, which includes new disappearing guns, mine defenses, power plants, and the modernizing of old emplacements, involving an expenditure of nearly a million dollars, be constructed as soon as practicable: Therefore be it

Resolved by the general assembly of the State of Louisiana, That the honorable the Secretary of War of the United States be requested to use his best efforts to carry out, with the least delay possible, the plans submitted and approved by the Coast Defense Board of the United States and to bring about the consummation of all the improvements at Forts St. Philip and Jackson, in accordance with the recommendations of the said Coast Defense Board: Be it further

Resolved, etc., That the secretary of state be requested to transmit a copy of this resolution, with its preamble, to the honorable the Secretary of War and to each of the Senators and Congressmen of the State of Louisiana.

Approved July 3, 1908.

[Act No. 222. Senate concurrent resolution 11. By Mr. Marks.]

Be it resolved by the senate of the State of Louisiana (the house of representatives concurring), That the Congress of the United States be, and is hereby, memorialized to cause to be closed and to erect a dam across Bayou Courtableau, on the west bank of the Atchafalaya Basin levee district, for the purpose of enabling the said Atchafalaya Basin levee district to protect, by levee and otherwise, its arable territory from overflow: Be it further

Resolved, etc., That a copy of this memorial be forwarded without delay by the secretary of state to the two United States Senators and all the Representatives in Congress from this State.

Approved July 8, 1908.

[Act No. 272. Senate concurrent resolution 12. By Mr. McCulloh.]

Be it resolved by the senate of Louisiana (the house of representatives concurring), That our Senators and Members of Congress be, and they are hereby, memorialized and requested to present to Congress at its next session, and to endeavor to have passed through that body, a bill granting to the State of Louisiana the public lands of the United States situated in this State, the proceeds of the sale thereof to be used in the support of the common schools of Louisiana, and the grant, if made, not to affect or interfere with the claim of any person who has anterior thereto initiated a homestead claim, to proceed as if the grant had not been made, and title to the land included in the homestead to rest in the State of Louisiana only in case the homestead be, and for any cause, canceled.

Approved July 9, 1908.

Memorializing the Congress of the United States to pass a law that will correct the abuses of cotton-future trading and insure a fair and honest contract for the delivery of cotton.

[Act No. 312. House concurrent resolution 33. By Mr. Smith.]

Be it resolved by the house of representatives of the State of Louisiana (the senate concurring), That our Senators and Representatives in Congress be, and they are hereby, memorialized to urge Congress to enact a law establishing a national standard of classification of the marketable grades of cotton, upon which standard all arbitrations on contract deliveries must be made, prohibiting any contract on which can be delivered unmarketable cotton, or useless stuff, or cotton of a value uncertain and not readily ascertainable, and providing that all cotton delivered on contract shall be paid for on the basis of actual difference in the spot value of the grades delivered on the market and at the time of delivery: Be it further

Resolved, That a copy of these resolutions be sent by the secretary of state to the several Senators and Congressmen from the State of Louisiana in the Congress of the United States.

Approved July 9, 1908.

REPORT ON RELATIONS BETWEEN SENATE AND DEPARTMENTS.

Mr. LODGE. I desire to ask for a reprint of Senate Report No. 135, Forty-ninth Congress, first session, being the Edmunds report from the Committee on the Judiciary in regard to the message of President Cleveland about transmitting papers.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That Senate Report No. 135, Forty-ninth Congress, first session, being Mr. Edmunds's report from the Committee on the Judiciary, minority report, and President Cleveland's message, be reprinted.

WITHDRAWAL OF AMENDMENT.

Mr. LODGE. Yesterday I reported an amendment from the Committee on Foreign Relations by mistake. I took up one which had not been acted upon by the committee instead of the one I intended to report. I reported an amendment in regard to the embassy in China, and it was referred to the Committee on Appropriations. That amendment has not been acted on by the Committee on Foreign Relations, and I reported it merely by error and accident. I desire to withdraw it.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent to withdraw the amendment relating to the embassy in China referred to the Committee on Appropriations, the same having been submitted inadvertently. Without objection, it is so ordered.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 17th ultimo, proposing to appropriate \$400,000 for the purchase of a building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy and for the residence of the ambassador at that capital, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. SMOOT, from the Committee on Patents, to whom was referred the amendment submitted by Mr. KITTREDGE of the 6th instant, proposing to increase the salaries of three examiners in chief, Patent Office, from \$3,000 to \$4,500 each, intended to be proposed to the legislative, etc., appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 7073) to compensate H. D. Chapman and J. W. Hicks, patentees of certain improvements in sight adjustments for guns which were used by the United States without their permission or consent, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims, which was agreed to.

Mr. FRAZIER, from the Committee on Military Affairs, to whom was referred the bill (S. 3164) to correct the military record of Paul Sinock, reported it with an amendment and submitted a report (No. 726) thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (H. R. 23711) to build a bridge across the Santee River, South Carolina, reported it without amendment.

WILLIAM T. ROSSELL, JR., AND HARRY G. WEAVER.

Mr. LODGE. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7486) authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy, to report it favorably with amendments, and I submit a report (No. 724) thereon. I call the attention of the Senator from Alabama [Mr. JOHNSTON] to the bill.

Mr. JOHNSTON. That is a very short bill. It has the unanimous approval of the committee and the recommendation of the Secretary of War. I ask for its present consideration.

Mr. SCOTT. I should like to ask the Senator from Alabama what class these cadets belong to? I was not at the meeting of the Military Affairs Committee yesterday.

Mr. JOHNSTON. They are of the first class. There is an amendment to the bill as reported by the Senator from Massachusetts which puts these cadets on the same terms as the other cadets.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for the present consideration of the bill.

Mr. SCOTT. I should like to have the Senator from Alabama state the reasons for reinstating these cadets. I was not present at the meeting of the committee yesterday, but I have a letter in which there is great objection urged to reinstating cadets when they have once been suspended or dismissed.

Mr. LODGE. I merely desire to say that the report of the committee was unanimous.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. DICK. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go to the calendar.

INAUGURAL CEREMONIES.

Mr. SCOTT. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 106) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, and so forth, to report it favorably with an amendment, and I submit a report (No. 725) thereon. I ask for the immediate consideration of the joint resolution.

The Secretary read the joint resolution.

Mr. McCUMBER. I ask the Senator what is the necessity for haste in the consideration of this measure.

Mr. SCOTT. The Inaugural Committee want to know where they are going to have space so as to have the arrangement made in time. The joint resolution is in conformity with joint resolutions that have been passed ever since 1885. It follows the exact language of the former measures.

Mr. LODGE. My attention was diverted for a moment, and I did not catch the purport of the bill.

The VICE-PRESIDENT. It is a joint resolution reported by the Senator from West Virginia [Mr. SCOTT] from the Committee on the District of Columbia.

Mr. LODGE. May I ask that it be read again, if it is not very long?

Mr. SCOTT. It is a long bill.

Mr. LODGE. Does it relate to the arrangements for the inauguration?

The VICE-PRESIDENT. It does.

Mr. LODGE. Then it ought to be referred to the Committee on Rules, because they have charge of all the arrangements here. It ought to go to that committee.

Mr. SCOTT. Let it go to the Committee on Rules, Mr. President.

Mr. LODGE. It is a report from a committee?

The VICE-PRESIDENT. It is reported from the Committee on the District of Columbia.

Mr. LODGE. The Committee on Rules, as is well known, have charge of all the inaugural ceremonies at the Capitol.

Mr. SCOTT. This does not relate to the ceremonies at the Capitol.

Mr. LODGE. I withdraw my suggestion if it does not relate to arrangements here.

The VICE-PRESIDENT. It does not relate to arrangements at the Capitol.

Mr. SCOTT. If the Senator from Massachusetts will allow me a minute, I will state that it is a facsimile of measures that have been passed for every inaugural occasion since 1885. I was so informed this morning. There is an addition of \$3,000, which is asked for in order to protect the city and the visitors here during the time of the inauguration.

Mr. LODGE. Does the Senator object to letting it go over so that we can look at it?

Mr. SCOTT. Not at all.

The VICE-PRESIDENT. The joint resolution will be placed on the calendar.

CHICAGO AND NORTHWESTERN RAILWAY.

Mr. OVERMAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 8143) granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation, to report it favorably without amendment, and I submit a report (No. 722) thereon. I call the attention of the senior Senator from Nebraska [Mr. BURKETT] to the bill.

Mr. BURKETT. I ask unanimous consent that the bill may have present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID R. B. WINNIFORD.

Mr. FOSTER. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4490) to correct the military record of David R. B. Winniford, to report it favorably with an amendment, and I submit a report (No. 723) thereon. I call the attention of the senior Senator from Oregon [Mr. FULTON] to the bill.

Mr. FULTON. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Louisiana.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The SECRETARY. The committee report to strike out all after the enacting clause and to insert:

That David R. B. Winniford shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant of Company D, Eighth Tennessee Volunteer Infantry, on October 24, 1864. And the Secretary of War is hereby authorized to grant to said David R. B. Winniford an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELAWARE RIVER BRIDGE.

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 22306) to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.

Mr. KEAN. That is a bridge bill; the work is ready to progress, and we would like to keep as many people employed at the present time as possible. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 8255) for the relief of the Alaska Pacific Railway and Terminal Company, which was read twice by its title and referred to the Committee on Territories.

Mr. ELKINS introduced a bill (S. 8256) fixing the salaries of the chief justice and judges of the United States Court of Claims, which was read twice by its title and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. BULKELEY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8257) granting an increase of pension to Charles H. Lester; and

A bill (S. 8258) granting an increase of pension to James Burts Merwin.

Mr. PERKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 8259) providing for the construction of a light and fog signal at Army Point, Suisun Bay, California;

A bill (S. 8260) providing for the erection of a coal shed on the light-house wharf at Humboldt Bay, California; and

A bill (S. 8261) providing for the remodeling and reconstruction of the light tower and keeper's dwellings at Alcatraz Island, Bay of San Francisco, California.

Mr. PERKINS introduced a bill (S. 8262) granting an increase of pension to John H. Edge, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 8263) for the relief of Henry Altman, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8264) to permit change of entry in case of mistake of the description of tracts intended to be entered, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 8265) to regulate examinations for promotion in the Medical Corps of the army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 8266) to require life-preservers on motor vessels, which was read twice by its title and referred to the Committee on Commerce.

Mr. FULTON introduced a bill (S. 8267) to satisfy certain claims against the Government arising under the Navy Department on account of the collision between the U. S. S. *Mayflower* and the schooner *Menawa* in Long Island Sound on July 22, 1908, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. PILES introduced a bill (S. 8268) to provide for the appointment of an additional district judge in and for the western district of Washington, which was read twice by its title and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. BURROWS introduced a bill (S. 8269) granting an increase of pension to James W. Smith, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8270) for the relief of the heirs or estates of Joseph Leftwich and of Eliza Leftwich, deceased, and others;

A bill (S. 8271) for the relief of the heirs or estate of Henry Doyle, deceased, and others; and

A bill (S. 8272) for the relief of the heirs or estate of Mrs. Martha B. King, deceased, and others.

Mr. DIXON introduced a bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 8274) granting an increase of pension to John Zimmerman, which was read twice by its title and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 8275) granting a pension to Mary Nolan, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURKETT. At the last session the Senate, by resolution, directed the Commissioners of the District of Columbia to submit a report with reference to the present condition of the policemen's and firemen's relief funds. The Commissioners of the District made a report and incorporated as a part of it the draft of a proposed bill. I desire to introduce the draft and have it referred to the Committee on the District of Columbia.

The bill (S. 8276) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

Mr. HOPKINS introduced a bill (S. 8277) granting an increase of pension to William Crews, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 8278) for the relief of Sanger and Moody, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8279) removing the charge of desertion from the military record of James Carroll, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLAPP introduced a bill (S. 8280) for the relief of Hugh Thompson, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8281) granting a pension to Caroline Oliver, which was read twice by its title and referred to the Committee on Pensions.

Mr. HALE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8282) granting a pension to Arthur W. Smith; and

A bill (S. 8283) granting an increase of pension to Stephen Robinson (with the accompanying papers).

Mr. HEMENWAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8284) granting an increase of pension to Francis X. Busan;

A bill (S. 8285) granting an increase of pension to Benjamin Hopkins;

A bill (S. 8286) granting an increase of pension to Samuel S. Weaver;

A bill (S. 8287) granting a pension to Mary E. Shrewsbury;

A bill (S. 8288) granting an increase of pension to Nancy Ulen; and

A bill (S. 8289) granting an increase of pension to A. P. De Bruler.

Mr. ALDRICH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8290) granting an increase of pension to James S. Davis;

A bill (S. 8291) granting an increase of pension to William Bernhard; and

A bill (S. 8292) granting an increase of pension to George W. Stoddard.

Mr. RAYNER introduced a bill (S. 8293) for the relief of the heirs of Solomon Dowden, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8294) granting a pension to Horace Daniels, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 8295) for the relief of the heirs of William A. Elmore, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8296) for the relief of the trustees of the Morris Methodist Episcopal Church South, of New Kent County, Va., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8297) authorizing the Secretary of the Navy to contract with the receivers of the Jamestown Exposition Company, and any other parties in interest, for the purchase of certain lands on Hampton Roads, in Norfolk County, Va., and the buildings, structures, and improvements thereon, for the use of the Navy Department of the United States as a naval training station, and for other governmental purposes, which was read twice by its title and referred to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CARTER submitted an amendment proposing to appropriate \$30,000 for replacing granite or Belgian block with asphalt on Nineteenth street NW., from Pennsylvania avenue to N street, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. SUTHERLAND submitted an amendment proposing to appropriate \$8,500 for salaries of cashier, clerk, first assistant assayer, etc., at the assay office at Salt Lake City, Utah, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. FRYE submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

Mr. PILES submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

Mr. MCENERY submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

Mr. TELLER submitted two amendments intended to be proposed by him to the omnibus claims bill, which were ordered to lie on the table and be printed.

AMENDMENT TO POSTAL SAVINGS BANKS BILL.

Mr. FULTON submitted an amendment intended to be proposed by him to the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, which was ordered to lie on the table and be printed.

IMPROVEMENT OF SAN FRANCISCO BAY, CALIFORNIA.

Mr. PERKINS submitted the following concurrent resolution (S. C. Res. 63), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the bar of San Francisco Bay, in the State of California, to confirm the depths shown on the charts of the Coast

and Geodetic Survey, and to cause estimates to be made for a project of improvement of the North, or Bonita Channel, by the removal of Centissima and Sears rocks, and report the same to Congress.

IMPROVEMENT OF OAKLAND HARBOR, CALIFORNIA.

Mr. PERKINS submitted the following concurrent resolution (S. C. Res. 64), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause to be made a resurvey of Oakland Harbor, Alameda County, Cal., with a view of improving the same to meet the present and future demands of commerce, and to submit estimates of cost of the following three projects: Project No. 1: A channel 700 to 800 feet wide and 25 feet deep from San Francisco Bay to the foot of Tenth avenue extended, thence around Brooklyn Basin 500 to 700 feet wide and 25 feet deep at low tide. Project No. 2: Same as project 1, except that depth be 30 feet at low tide. Project No. 3: Same as projects Nos. 1 and 2, except that the whole of Brooklyn Basin be dredged to pierhead line at a uniform depth of 25 or 30 feet at low tide.

IMPROVEMENT OF WARROAD HARBOR, MINNESOTA.

Mr. NELSON submitted the following concurrent resolution (S. C. Res. 65), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for deepening the channel and the entrance to same of Warroad Harbor, Minnesota, and protecting the channel and entrance to the same by means of a dike or otherwise.

REPORT ON HAWAII.

Mr. PERKINS submitted the following resolution (S. Res. 245), which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate and delivered to the Senate document room, three thousand (3,000) copies of the report on Hawaii, made by the Director of the Reclamation Service.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 19095. An act authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Percés Indian Reservation; and

H. R. 21458. An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

CONSTITUTION ISLAND, NEW YORK.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 639), which was read and, with the accompanying papers, referred to the Committee on Military Affairs:

To the Senate and House of Representatives:

I transmit herewith, with my approval of the recommendations contained therein, a communication from the Secretary of War, transmitting draft of an item authorizing the Secretary of War to accept the donation, subject to certain conditions, of the property known as "Constitution Island," opposite West Point, N. Y., containing 250 acres of upland and 50 acres of meadow, as an addition to the West Point Military Reservation, for use of the Military Academy, which was tendered as a gift by Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner under date of September 4, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 8, 1909.

REPORT OF PRESIDENT'S HOMES COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 640), which was read and, with the accompanying papers, referred to the Committee on the District of Columbia:

To the Senate and House of Representatives:

I transmit herewith reports by the President's Homes Commission on improvement of existing houses and elimination of insanitary and alley houses, on social betterment, and on building regulations, together with resolutions and recommendations adopted by the commission, and ask that they receive the careful consideration of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 8, 1909.

GAS SUPPLY IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 641), which was read and, with the accompanying papers, referred to the Committee on the District of Columbia:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a letter from the Attorney-General and accompanying papers, and call particular attention to the copy of the communication of United States Attorney Baker under date of January 5. The situation in reference to the composition of illuminating gas furnished in the District of Columbia is one that would seem to require immediate action.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 7, 1909.

TENNESSEE COAL AND IRON COMPANY.

The VICE-PRESIDENT. The morning business is closed.

Mr. CULBERSON. I call up the resolution that went over under objection yesterday.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read Senate resolution No. 243, submitted yesterday by Mr. CULBERSON, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate, as early as may be practicable, whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown by the message of the President in response to Senate resolution No. 240, this session.

The VICE-PRESIDENT. The question is, Shall the resolution pass?

Mr. HOPKINS. Mr. President, upon looking over the resolution, I confess that I fail to see any reason for its adoption by the Senate or in sending it to the committee. The letter of the President, accompanying his message, covers the matter fully, and the resolution states something that is at variance with the letter of the President. The resolution requests an opinion from the Committee on the Judiciary as to whether the President was authorized to permit the absorption of the Tennessee Coal and Iron Company. The letter of the President denies that he permitted any such thing. In his letter he says in reference to that:

I answered that while, of course, I could not advise them to take the action proposed, I felt it no duty of mine to interpose any objection.

The President was entirely noncommittal on that. It seems to me that no information or good can come from the adoption of this resolution. I therefore move to lay it on the table.

Mr. CULBERSON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. As he is not in the Chamber, I withhold my vote.

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. In his absence, I withhold my vote. I should vote "nay," if he were present.

The roll call was concluded.

Mr. CLARK of Wyoming. As I stated, I have a general pair with the Senator from Missouri [Mr. STONE], but I transfer that pair to the senior Senator from Indiana [Mr. BEVERIDGE], and will vote. I vote "nay."

Mr. DANIEL. I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH], and therefore withhold my vote. If he were present, I should vote "nay."

The result was announced—yeas 14, nays 47; as follows:

YEAS—14.

Burkett	Depew	Kean	Richardson
Carter	Dixon	McCumber	Warner
Cummins	du Pont	Penrose	
Curtis	Hopkins	Platt	

NAYS—47.

Aldrich	Dillingham	Long	Rayner
Bacon	Foraker	McCreary	Scott
Bankhead	Frazier	McEnery	Simmons
Borah	Frye	McLaurin	Smith, Md.
Bulkeley	Fulton	Money	Stephenson
Burnham	Gamble	Nelson	Sutherland
Burrows	Gary	Newlands	Tallaferro
Clapp	Gore	Overman	Taylor
Clark, Wyo.	Hale	Page	Teller
Clay	Johnston	Paynter	Warren
Culberson	Kittredge	Perkins	Wetmore
Dick	Lodge	Piles	

NOT VOTING—31.

Ankeny	Crane	Gallinger	Milton
Bailey	Cullom	Gugenheim	Nixon
Beveridge	Daniel	Hansbrough	Owen
Bourne	Davis	Hemenway	Smith, Mich.
Brandegge	Dolliver	Heyburn	Smoot
Briggs	Elkins	Knox	Stone
Brown	Flint	La Follette	Tillman
Clarke, Ark.	Foster	Martin	

So Mr. HOPKINS's motion to lay Mr. CULBERSON's resolution on the table was not agreed to.

The VICE-PRESIDENT. The question recurs on the passage of the resolution of the Senator from Texas.

Mr. CLAPP. Not having been in the Chamber when the resolution was read, I should like to hear it read.

The VICE-PRESIDENT. The resolution submitted by the Senator from Texas will be read.

The Secretary read the resolution submitted by Mr. CULBERSON on yesterday, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate, as early as may be practicable, whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown by the message of the President in response to Senate resolution No. 240, this session.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

The resolution was agreed to.

THIRTEENTH AND SUBSEQUENT CENSUSES.

The VICE-PRESIDENT. The calendar under Rule VIII is in order.

Mr. LONG. I ask unanimous consent for the present consideration of House bill 16954.

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of the bill named by him, the title of which will be stated.

The SECRETARY. A bill (H. R. 16954) to provide for the taking of the Thirteenth and subsequent decennial censuses.

The VICE-PRESIDENT. Is there objection to the request?

Mr. CLARK of Wyoming. Mr. President, I have no objection to the consideration of the bill, but the Senator from Kansas will remember that the bill upon the calendar immediately preceding this has been read and fully discussed, and it occurs to me that that bill should be disposed of.

Mr. LONG. I asked for unanimous consent to take up the bill I have named. We were not upon the calendar.

Mr. CLARK of Wyoming. I want to call the attention of the Senator to the fact that I am not objecting to the census bill, but I think I shall object to considering any bill by unanimous consent, after this important bill is out of the way, until the bill which, as I have indicated, has already been considered shall be acted upon.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill asked for by the Senator from Kansas?

Mr. LONG. I did not understand that the Senator from Wyoming objected.

Mr. CLARK of Wyoming. I did not object.

Mr. CLAY. Mr. President, what is the bill for which the Senator from Kansas asks consideration? Is it the census bill?

The VICE-PRESIDENT. It is the census bill.

Mr. TELLER. Let the bill be read for information.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. LONG. I ask unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendment, the committee amendments to be first acted upon.

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendment, the committee amendments to be first considered.

Mr. TELLER. I do not wish to object to that; but I think the orderly method is, when a bill comes up under Rule VIII, to have it read for the information of the Senate, and after it is read is the proper time to object to its consideration, unless Senators see fit to object before. If this bill is to be read in that way, subject to objection, I think that is perfectly proper—not that I expect to object to it, but I want to proceed in an orderly manner.

The VICE-PRESIDENT. Without objection, the formal reading of the bill will be dispensed with, the bill will be read for amendment, and the committee amendments will be first considered. The bill will be considered as in Committee of the Whole, subject to objection.

The Secretary proceeded to read the bill, which had been reported from the Committee on the Census with amendments.

The first amendment was, in section 3, page 2, line 9, after the word "statistician," to insert "a geographer;" and in line 17, after the word "President," to insert "by and with the advice and consent of the Senate," so as to make the section read:

SEC. 3. That after June 30, 1909, and during the decennial census period only, there may be employed in the Census Office, in addition to the force provided for by the act of March 6, 1902, entitled "An act to provide for a permanent Census Office," an assistant director, who shall be an experienced practical statistician; a geographer, a chief statistician, who shall be a person of known and tried experience in statistical work, an appointment clerk, a private secretary to the director, 2 stenographers, and 8 expert chiefs of division. These officers, with the exception of the assistant director, shall be appointed without examination by the Secretary of Commerce and Labor upon the recom-

mentation of the Director of the Census. The assistant director shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 23, before the word "dollars," to strike out "two thousand seven hundred and fifty" and insert "three thousand," so as to make the section read:

SEC. 5. That during the decennial census period the annual compensation of the officials of the Census Office shall be as follows: The Director of the Census, \$7,500; the private secretary to the Director, \$2,500; the Assistant Director, \$5,000; the chief statisticians, \$3,500 each; the chief clerk, \$3,000; the disbursing clerk, \$3,000; the appointment clerk, \$3,000; the geographer, \$3,000; the chiefs of division, \$2,250 each; and the stenographers provided for in section 3 of this act, \$2,000 each.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 6, before the word "school," to insert "whether or not employer or employee;" in line 8, after the word "army," to strike out "and" and insert "or;" and in the same line, after the word "navy," to insert "and for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, and inmates of benevolent institutions;" so as to read:

SEC. 8. That the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, whether or not employer or employee, school attendance, literacy, and tenure of home and whether or not a survivor of the Union or Confederate army or navy; and for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, and inmates of benevolent institutions.

The amendment was agreed to.

Mr. LONG. In that paragraph there is a committee amendment not shown in the text of the bill. In section 8, page 6, line 4, after the word "birth," I move to insert the word "race."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 8, page 6, line 4, after the word "birth," it is proposed to insert the word "race."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BACON. Mr. President, I desire to offer an amendment to that section, but I understand the committee prefers to complete the committee amendments first.

Mr. LONG. Yes. The Senator will have an opportunity later on when we recur to the section to present his amendment.

Mr. BACON. I will withhold it until the committee amendments shall have been disposed of.

The reading of the bill was resumed.

The next amendment of the Committee on the Census was, in section 8, page 6, line 13, before the word "name," to strike out "all persons engaged in agricultural pursuits;" in the same line, after the word "name," to insert "and color;" in line 14, after the word "farm," to strike out "color of occupant" and insert "and number of persons engaged in agricultural pursuits;" and after the word "ranges," at the end of line 18, to strike out "and the acreage of crops as of the date of enumeration," so as to read:

The schedules relating to agriculture shall include name and color of occupant of each farm and number of persons engaged in agricultural pursuits, tenure, acreage of farm, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops and the quantity and value of other farm products for the year ending December 31 next preceding the enumeration.

Mr. LONG. On behalf of the committee, I desire to modify that amendment by withdrawing the proposed amendment in line 14, inserting the words "and number of persons engaged in agricultural pursuits," and also withdrawing the amendment in line 19, striking out the words "and the acreage of crops as of the date of enumeration."

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. In section 8, page 6, line 13, before the word "name," it is proposed to strike out "all persons engaged in agricultural pursuits;" in the same line, after the word "name," to insert "and color;" and in line 14, after the word "farm," to strike out "color of occupant," so as to read:

The schedules relating to agriculture shall include name and color of occupant of each farm, tenure, acreage of farm, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops as of the date of enumeration, and the acreage of crops and the quantity and value of other farm products for the year ending December 31 next preceding the enumeration.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Census was, in section 8, page 7, line 15, after the word "at," to strike out "five hundred" and insert "one thousand;" in line 19, after the word "neighborhood," to strike out the word "or;" and in the same line, after the word "household," to insert the words "and hand," so as to read:

The census of manufactures and of mines and quarries shall relate to the year ending December 31 next preceding the enumeration of population, and shall be confined to mines and quarries and manufacturing establishments which were in active operation during all or a portion of that year and had a product valued at \$1,000 or more. The census of manufactures shall furthermore be confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood household and hand industries.

The amendment was agreed to.

The next amendment was, in section 8, page 7, after line 20, to insert:

The inquiry concerning manufactures shall cover the production of turpentine and rosin, and the report concerning this industry shall show, in addition to the other facts covered by the regular schedule of manufactures, the quantity of crude turpentine gathered, the quantity of turpentine and rosin manufactured, the sources, methods, and extent of the industry.

The amendment was agreed to.

The next amendment was, in section 9, page 8, line 11, before the word "prior," to strike out "one year" and insert "six months," so as to read:

SEC. 9. That the Director of the Census shall, at least six months prior to the date fixed for commencing the enumeration at the Thirteenth and each succeeding decennial census, designate the number, whether one or more, of supervisors of census for each State and Territory, the District of Columbia, Alaska, the Hawaiian Islands, and Porto Rico, and shall define the districts within which they are to act.

The amendment was agreed to.

Mr. LONG. In section 9, page 8, after the word "act," I offer on behalf of the committee the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 9, page 8, line 17, after the word "act," it is proposed to strike out the period and to insert a semicolon and the following words:

Except that the Director of the Census, in his discretion, need not designate supervisors for Alaska and the Hawaiian Islands, but in lieu thereof may employ special agents as hereinafter provided.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Census was, on page 10, section 11, line 8, after the word "receive," to strike out:

A sum based upon the population of his district, in accordance with the following rates for each thousand or major fraction of a thousand: One dollar and fifty cents per thousand in each district having more than 750,000 inhabitants; \$2 per thousand in each district having 500,000 to 750,000 inhabitants; \$2.50 per thousand in each district having 400,000 to 500,000 inhabitants; \$3 per thousand in each district having 300,000 to 400,000 inhabitants; \$3.50 per thousand in each district having 200,000 to 300,000 inhabitants; and \$4 per thousand in each district having less than 200,000 inhabitants. In addition to such compensation each supervisor shall receive the sum of \$500, which sum, in the discretion of the Director of the Census, may be paid to any supervisor prior to the completion of his duties in one or more payments, as the Director of the Census may determine, such sums to be in full compensation for all services rendered and expenses incurred by him: *Provided*, That if the aggregate compensation of any supervisor as herein provided for amounts to less than \$1,200 the Director of the Census shall pay such supervisor a sum sufficient to make his compensation amount to \$1,200.

And insert:

The sum of \$1,500 and, in addition thereto, \$1 for each thousand or majority fraction of a thousand of population enumerated in his district, such sums to be in full compensation for all services rendered and expenses incurred by him: *Provided*, That of the above-named compensation a sum not to exceed \$600, in the discretion of the Director of the Census, may be paid to any supervisor prior to the completion of his duties in one or more payments, as the Director of the Census may determine.

So as to read:

SEC. 11. That each supervisor of the census shall, upon the completion of his duties to the satisfaction of the Director of the Census, receive the sum of \$1,500 and, in addition thereto, \$1 for each thousand or majority fraction of a thousand of population enumerated in his district, such sums to be in full compensation for all services rendered and expenses incurred by him: *Provided*, That of the above-named compensation a sum not to exceed \$600, in the discretion of the Director of the Census, may be paid to any supervisor prior to the completion of his duties in one or more payments, as the Director of the Census may determine.

Mr. BURKETT. I should like to ask the chairman of the committee what that provision means or what its object is.

Mr. LONG. The purpose of the amendment striking out the provision as it was in the bill and inserting the provision reported by the Senate committee is to give the Director of the Census a little more leeway or authority in determining the compensation of supervisors. It slightly increases the compensation of supervisors over the provision in the bill as it came from the House and over the compensation received at the last census; and it is the opinion of the director and of the committee that the compensation can be more accurately determined under this provision than under the provision as contained in the House bill.

Mr. BURKETT. Perhaps the Senator did not understand just the point on which I wanted information. As I understand the Senate committee amendment, it is to pay the supervisors \$1,500 for their work, plus \$1 for each thousand or majority fraction thereof enumerated in the district, and then the provision is that the Director of the Census may pay \$600 of this salary before the work is completed.

Mr. LONG. Yes.

Mr. BURKETT. I wish to know why it is that the committee has put in that provision, making it possible in the first place that he may do this and limiting it to \$600.

Mr. LONG. That is as to the partial payments which may be made. These payments include not only compensation for services, but also expenses; and the partial payment may be made, in the discretion of the director, so that the expenses of the supervisors may be paid at such time as he may deem proper during the progress of the work.

Mr. BURKETT. It is the idea of the proposed law then, to have the supervisor go ahead and finish his work before he receives any pay unless the director decides to pay him \$600.

Mr. LONG. Yes; that is correct.

Mr. BURKETT. I should like to ask the chairman if that has been customary in times past?

Mr. LONG. I am not advised as to that, but I think it has been.

Mr. BURKETT. The thought occurred to me that that might be rather an injustice to the supervisor. I recall that in the last census the supervisor's work hung on for a good while. Long after the work had been practically finished he could not close up; and to hold out his salary is rather an injustice to him. It may be a year—

Mr. LONG. If he closes his work, he is entitled to his salary. This provides for a partial payment in advance of the completion of his work.

Mr. BURKETT. I remember that the supervisors' term of work was a good deal longer than that of the enumerators.

Mr. LONG. Certainly.

Mr. BURKETT. The point I am trying to get at is that it seems to work an injustice to keep him out of his salary until he is all through. It may take him a year. It did before, if I remember correctly.

Mr. LONG. The purpose of this amendment is to permit the director to make partial payments in advance of the completion of the work.

Mr. BURKETT. Not to exceed \$600.

Mr. LONG. Yes.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Census was, on page 11, section 11, after the word "provided," in line 17, to strike out "further."

The amendment was rejected.

The reading of the bill was resumed and continued to the end of section 11.

Mr. TELLER. I wish to ask the chairman of the committee, who has the bill in charge, whether there is any provision by which the Director of the Census may compensate enumerators who have to travel long distances at a good deal of expense, and get only a few names. In the western country, in Colorado and some of the other States in the West, there are isolated communities where it will be necessary for the enumerators to go, and this compensation does not seem to me to be such as to justify them in going there. Having that in view, I should like to have put in the bill something by which the director may on such occasions give a proper compensation. I think it is very important that we should get all that information in the western country; and the pay will be practically nothing. The expense attendant upon making the

enumeration will be four or five or ten times as much as the enumerator would get. I have looked over the bill only casually, and I have not seen anything that quite covers it.

Mr. LONG. In answer to the inquiry of the Senator from Colorado, I wish to call his attention to the provision of the bill found on page 15, line 18. We have not yet reached it in the consideration of the bill. It begins in line 18, where authority is given "in other subdivisions," using the language of the bill, for the director to pay a per diem rate to the enumerator. That will cover cases such as the Senator refers to.

Mr. TELLER. I have not given particular attention to the bill except as to one provision about which I consulted the chairman. I do not know but that the clause referred to will do it, although it is not a very high rate of pay—\$2 a day, where a common laborer gets \$3. But I shall not make any point upon it.

Mr. LONG. It says that it shall not be less than \$3 nor more than \$6 per day, as the Senator will observe.

Mr. TELLER. Where is that?

Mr. LONG. In line 24, page 15.

Mr. TELLER. I had not noticed that provision.

Mr. LONG. I think it covers exactly what the Senator desires.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on the Census was, in section 13, on page 13, line 23, after "enumerator," to strike out:

But the district or districts assigned to any enumerator shall not include more than 2,000 inhabitants, according to estimates based on the preceding census or other reliable information.

So as to make the section read:

Sec. 13. That the territory assigned to each supervisor shall be divided into as many enumeration districts as may be necessary to carry out the purposes of this act, and, in the discretion of the Director of the Census, two or more enumeration districts may be given to one enumerator, and the boundaries of all the enumeration districts shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguishable lines: *Provided*, That enumerators may be assigned for the special enumeration of institutions, when desirable, without reference to the number of inmates.

The amendment was agreed to.

The next amendment was, in section 16, page 15, line 12, after the word "industry," to insert:

reported. In other subdivisions the Director of the Census may fix a mixed rate of not less than one nor more than two dollars per day and, in addition, an allowance of not less than 1 nor more than 3 cents for each inhabitant enumerated, and not less than 15 nor more than 20 cents for each farm and each establishment of productive industry reported.

So as to read:

Sec. 16. That the compensation of enumerators shall be determined by the Director of the Census as follows: In subdivisions where he shall deem such remuneration sufficient, an allowance of not less than 2 nor more than 4 cents for each inhabitant; not less than 20 nor more than 30 cents for each farm reported; 10 cents for each barn and inclosure containing live stock not on farms, and not less than 20 nor more than 30 cents for each establishment of productive industry reported. In other subdivisions the Director of the Census may fix a mixed rate of not less than one nor more than two dollars per day and, in addition, an allowance of not less than 1 nor more than 3 cents for each inhabitant enumerated, and not less than 15 nor more than 20 cents for each farm and each establishment of productive industry reported.

The amendment was agreed to.

The next amendment was, in section 20, on page 18, line 13, after the word "made," to insert "except those relating to paupers, prisoners, juvenile delinquents, insane, feeble-minded, and inmates of benevolent institutions," so as to read:

Sec. 20. That the enumeration of the population required by section 1 of this act shall be taken as of the 15th day of April; and it shall be the duty of each enumerator to commence the enumeration of his district on that day, unless the Director of the Census in his discretion shall defer the enumeration in said district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event it shall be the duty of each enumerator to prepare the returns hereinbefore required to be made, except those relating to paupers, prisoners, juvenile delinquents, insane, feeble-minded, and inmates of benevolent institutions, and to forward the same to the supervisor of his district within thirty days from the commencement of the enumeration of his district.

The amendment was agreed to.

The next amendment was, in section 22, on page 20, line 1, after the word "make," to insert "a false test schedule," so as to read:

Or if he shall willfully and knowingly swear to or affirm falsely, he shall be deemed guilty of perjury, and upon conviction thereof shall be imprisoned not exceeding five years and be fined not exceeding \$2,000; or if he shall willfully and knowingly make a false test schedule, a false certificate, or a fictitious return, he shall be guilty of a misdemeanor.

The amendment was agreed to.

The next amendment was, in section 23, on page 21, line 14, after the words "permit of," to insert "the collection of statistics for census purposes, including," so as to read:

And it shall be the duty of every owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building, when requested by the Director of the Census, or by any supervisor, enumerator, special agent, or other employee of the Census Office, acting under the instructions of the said director, to furnish the names of the occupants of said hotel, apartment house, boarding or lodging house, tenement, or other building, and to give thereto free ingress and egress to any duly accredited representative of the Census Office, so as to permit of the collection of statistics for census purposes, including the proper and correct enumeration of all persons having their usual place of abode in said hotel, etc.

The amendment was agreed to.

The next amendment was, in section 27, on page 23, line 19, after the words "the purchase of," to insert "manuscripts," so as to read:

SEC. 27. That the Director of the Census may authorize the expenditure of necessary sums for the actual and necessary traveling expenses of the officers and employees of the Census Office, including * * * the purchase of manuscripts, books of reference and periodicals, etc.

The amendment was agreed to.

The next amendment of the Committee on Census was, in section 28, page 24, after line 17, to insert the following proviso:

Provided, That whenever in the opinion of the Director of the Census the Public Printer does not produce the printing and binding required under the provisions of this act with sufficient promptness, or whenever said printing and binding are not produced by the Public Printer in a manner satisfactory to the Director of the Census in quality or price, said Director is hereby authorized to contract with private parties for printing and binding, after due competition.

Mr. LONG. At the suggestion of the Senator from Colorado [Mr. TELLER], I desire to modify the proposed amendment. In line 24, after the word "authorize," I move to insert "with the approval of the Secretary of Commerce and Labor."

Mr. BURKETT. Mr. President—

Mr. HOPKINS. Before that is adopted, I should like to ask the chairman in charge of the bill—

The VICE-PRESIDENT. The Chair has recognized the Senator from Nebraska.

Mr. BURKETT. I do not want to interpose an objection to anyone trying to perfect the amendment; I have not any objection to the adoption of the amendment of the Senator from Kansas to the amendment; but before the entire amendment is adopted I think we had better stop and consider the matter. I thought, perhaps, it would be better to lay it aside, if the Senator wished, until we got through with the reading of the bill.

Mr. PENROSE. I should like to have the proviso go over unless the Senator from Kansas can explain the purpose of it and show why it should be inserted in the bill.

Mr. LONG. How long does the Senator desire to have the amendment go over? To what time?

Mr. PENROSE. Until the Senate has had some opportunity to consider it. I merely want to consult the convenience of the Senator from Kansas as to whether it shall go over now and be discussed later.

Mr. HALE. Let it go over until the end of the bill is reached. Of course it is desirable to get the bill through to-day, if possible.

Mr. PENROSE. Very well.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. LONG. Has the amendment I suggested to the amendment been adopted?

The VICE-PRESIDENT. Is there objection to the present consideration of the amendment proposed by the Senator from Kansas to the amendment of the committee?

Mr. HOPKINS. I think it had better go over with the proviso.

Mr. LONG. Very well.

The VICE-PRESIDENT. The amendment will be passed over and the amendment proposed to the amendment will be pending when its consideration is resumed.

The reading of the bill was continued. The next amendment was, in section 32, page 26, line 7, before the word "returns," to insert "or agricultural," so as to read:

That the Director of the Census is hereby authorized, at his discretion, upon the written request of the governor of any State or Territory, or of a court of record, to furnish such governor or court of record with certified copies of so much of the population or agricultural returns as may be requested, upon the payment of the actual cost of making such copies, and \$1 additional for certification.

The amendment was agreed to.

The reading of the bill was continued to line 18, page 26.

Mr. CLAY. I want to call the attention of the Senator in charge of the bill to section 33.

Mr. LONG. It has not yet been read.

Mr. CLAY. I will read it, with the Senator's permission.

Mr. LONG. It has not yet been read by the Secretary. It has just been reached.

Mr. CLAY. I thought the Secretary was proceeding to read it.

Mr. LODGE. I suggest that it should be first read at the desk.

Mr. CLAY. I have no objection to that course.

The VICE-PRESIDENT. The Secretary will read the amendment of the committee.

The SECRETARY. It is proposed to insert as an additional section the following:

SEC. 33. That the Director of the Census, under the supervision of the Secretary of Commerce and Labor, be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, for the use of the Census Office, and for other governmental purposes, the site and buildings thereon, containing about 118,000 square feet of ground, and constituting the southern 350 feet, more or less, of square No. 574, in Washington, D. C., bounded on the north by a public alley, on the south by B street, on the east by First street, and on the west by Second street NW.: *Provided*, That not more than \$430,000 shall be paid for the property herein referred to.

That the said Director of the Census, under the supervision of the Secretary of Commerce and Labor, is instructed to cause to be erected on such portion of the site as is not now occupied by buildings a commodious and substantial building with fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the Census Office, and for other governmental purposes, the cost of such building not to exceed \$250,000. A sum of money sufficient to pay for the property and the erection of the said building is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no part of the said appropriation shall be expended until a valid title to the property referred to shall be vested in the United States.

Mr. CLAY. I understand that the amendment contemplates purchasing the present site where the present building is located. I understand that it now belongs to private parties. It also contemplates erecting a building there to be permanently used for the purpose of the census work, which will cost \$250,000.

I will ask the Senator from Kansas if he thinks that the present location is a suitable one for a permanent census building. It is not in a healthy location, I am sure; it is down in a basin; and, in my judgment, it is a very poor place to be selected for the purpose.

I doubt very materially if we could erect a building for \$250,000 that would be suitable for the permanent census work. If we are going to buy ground for the purpose of locating a building for the census work we ought to select a suitable healthy location. A great many of the persons engaged in that work are ladies. In the summer time it is almost impossible for the occupants to stay in the present census building with any degree of comfort. In my judgment it is a poor selection, it is an improper place, and a much more suitable place could be selected.

This matter seems not to have been considered by the House. It is a Senate amendment. Of course, the Senator in charge of the bill may have reasons to urge why it ought to be adopted.

Mr. LONG. Mr. President, in reply to the Senator from Georgia, I will state that the committee investigated the objections to the proposed purchase which are presented by the Senator. The Census Office has been in that building for almost ten years. The last census was taken while the Census Office occupied that building. No serious objection was made to it on the ground that it was an unhealthy or undesirable location. There are doubtless other locations in the city that are much more desirable, but the price would be very much higher than that provided in the amendment.

The considerations which impelled the committee to report this amendment were that the Census Office has occupied for about ten years the building that was used in the last census, and that can be used in the next census. There is another building obtained in this purchase and there is room in addition to construct a third building.

During the taking of the last census and the years since that census was taken, the Government has paid out in rent for the Census Office the sum of \$262,000, or it will have paid out that amount by the end of the present fiscal year. The rentals for the next ten years for that building and other buildings that will be necessary to take care of the force required will amount to at least \$270,000. Under an option that has been obtained on the ground on which the Census Office is located and on the property adjoining, which is described in the amendment, the whole can be bought for \$354,126.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. LONG. Certainly.

Mr. CARTER. In connection with the amount of rent to be paid, I suggest to the Senator it was made manifest, I think, that the additional cost incident to a division of the force in a variety of buildings over the city would, through extra employment and expense incident to such a division, involve an outlay of money like \$50,000 more than the same service would cost if concentrated under one roof.

Further still, we would have to take into account the great delay caused by the transportation from one part of the city to another of material under consideration in the preparation of the reports. The director made it clear, I think, to the committee that the census work could not be divided as other departments of the Government have bureaus divided. Take, for instance, the Indian Office, a part of the Department of the Interior. It may, without serious detriment to the service, be located remote from the Secretary's office.

Mr. LONG. Or from the Land Office.

Mr. CARTER. Or from the Land Office, because the business is complete in a sense within itself. But in dealing with the schedules of population it is necessary actually to subdivide divisions, and when divisions are subdivided and housed in different parts of the city very great inconvenience, much delay, and considerable additional expense are involved.

Mr. LONG. I thank the Senator from Montana for calling the attention of the Senate to this additional reason why the amendment reported by the committee should be adopted. The figures that I gave as to rentals for buildings for taking the next census did not include the additional cost to which the Senator refers.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. LONG. Certainly.

Mr. CLAY. Did I understand the Senator to say that the present Director of the Census is in favor of the purchase of this property and the permanent location of the Census building at that point?

Mr. LONG. He is.

Mr. HALE. Very decidedly.

Mr. CLAY. Then the present director surely does not entertain the same views that the former director entertained in regard to this building. I have positive knowledge that the most serious complaint was made by the former director in regard to the inconvenience of the building and the great trouble they had in taking care of the employees during the hot summer months. In the first place, I do not believe the building is properly constructed for that number of employees to work in. It is low, and it is in a low, flat place.

I have no objection to the purchase of ground and building a permanent place for the census work. I believe the Government ought to own its buildings. I agree with the Senator that we ought not to continue to pay this enormous amount of rent. But if we are going to spend nearly a million dollars for the purpose of getting ground for a building—

Mr. LONG. The Senator is mistaken as to the amount.

Mr. CLAY. It is six hundred and some odd thousand dollars.

Mr. LONG. It is \$674,000, including the cost of a new building six stories in height, to be erected on ground northwest of the present building.

Mr. CLAY. The ground, I understand, is to cost \$430,000 and the building \$250,000. Does the Senator say that the committee intends that the present building shall simply be enlarged? Is it proposed to add to it?

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Kansas will proceed.

Mr. LONG. It is not the intention, I will say to the Senator from Georgia, to enlarge the present building. It is the intention to occupy the present building during the next census, as it was occupied during the last census, and also to erect another building, a modern and more permanent building, six stories in height, costing \$250,000, on the space not occupied by

the present Census building or by what is known as the "high school building," which is also included in this purchase and which will be occupied also. This will make three buildings on the ground purchased. In the opinion of the Director of the Census and the committee this will afford sufficient space for all the employees of the bureau and will not necessitate the rental of any additional buildings during the next census period.

Mr. CLAY. Will the Senator from Kansas allow me?

Mr. LONG. Certainly.

Mr. CLAY. Do I understand the Senator to say that the Government has an option on this property now for \$425,000 or \$435,000?

Mr. LONG. The Director of the Census has such option.

Mr. CLAY. The Director of the Census has secured an option from the private owners for \$435,000. Did the committee consider any other location except this one?

Mr. LONG. After hearing the Director of the Census, the committee was of the opinion that this was a desirable place to locate the Census Bureau, and while we take into consideration other locations we deemed this a good location for the office.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. LONG. Certainly.

Mr. BURKETT. It occurred to me all the way through that the estimate we have of \$250,000 for the building is much lower than any building the Government has erected in, say, the last ten years, to say the least. I should like to inquire somewhat as to the committee's investigation of the cost of this property, and what it is going to contemplate.

Mr. LONG. The building will be a fireproof building. It will not be so elaborate a building as the Senator would like to see erected or that might be erected in other parts of the city if the location were elsewhere; but it will be a substantial building, answering the requirements of the Census Office in the opinion of the director. The estimate as to the cost was made by the Supervising Architect of the Treasury, who has made the preliminary plans that were followed by the Director of the Census in presenting the matter to the committee.

Mr. BURKETT. It occurs to me that \$250,000 would construct a pretty good building, but comparing it proportionately with what other buildings cost, does the Senator think it is advisable to locate at this particular place a government building proportionately as insignificant as that would be to other buildings that we know the price of?

Mr. LONG. I do; and that is the opinion of the committee.

Mr. BURKETT. Did the committee take into consideration anything of the proposition that has been pending before Congress for a good many years, to get our public buildings in a line along the south side of the Avenue?

Mr. LONG. The committee did not consider the purchase of ground and the erection of a building on the south side of the Avenue, for we knew that it would not be possible to do that, either within the amount suggested in the amendment or within the time that it will be necessary to have the building ready for the next census. From information that we have obtained we believed the building provided for in this amendment could be erected in time for the beginning of the next census.

Mr. BURKETT. How many square feet does this contemplate?

Mr. LONG. The floor space in the present building amounts to 95,000 square feet, the proposed new building would approximately have 70,000, and the high school building has 35,000, making an aggregate of 200,000 square feet in the buildings.

Mr. BURKETT. How does that compare in size with the tract that was purchased for the new municipal building?

Mr. LONG. I think it is much larger.

Mr. BURKETT. Did the committee make any investigation as to what property can be acquired along the Avenue, or anywhere else, as a matter of fact, besides this property?

Mr. LONG. As the Senator knows, property south of the Avenue in the locality of the District building could not be purchased within the limit fixed in the amendment. Property in that locality would be much more expensive than this property. The committee did take into consideration the fact that this is at a price of about \$3.31 per square foot and that the last sale of property in the immediate locality, directly opposite, called the Ventosa Apartment House, was sold, without any building, at \$3.50 per square foot.

Mr. HALE. I think, if the Senator will allow me—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Maine?

Mr. LONG. Certainly.

Mr. HALE. The Senator from Nebraska has struck exactly at the reason that actuated the committee in reporting this amendment. It is one of the rare opportunities that has been afforded of getting large accommodations and safe quarters at a reasonable price, at something like the amount which private citizens would expend for large buildings. The topography lends itself to all that.

The committee did consider, without going into prices of other lots, what it might do for the Census Office. It might abandon this property. It might buy property that is at a higher altitude, submit it to architects, and have a building erected, but that would cost, before we got through with it, anywhere from two and a half to four million dollars. The committee did think, as this good trade offers, that we can get out of it good buildings and ample accommodations for this comparatively small sum. We are already renting enormous buildings at an enormous cost. The committee did not think that we ought to lose this opportunity; and that is my view.

I have had a good deal of experience with the census work heretofore. I was chairman of the committee for a long time. So far as the healthfulness of the place goes, it is just as healthful as any land on the south side of the Avenue until you get up about Twelfth or Thirteenth streets. Yet in the end the Government will have all of that property and will have great buildings erected in a symmetrical way that will cost tens of millions of dollars.

This land is not in any degree a swamp. It has been well drained. There is no malaria there any more than anywhere on the Potomac River. It is low, but not unduly low. A great deal of property in the city is as low as this. Experience does not show that it is a lurking place for fever or malaria, or that it would be dangerous to the occupants of the buildings. With all these advantages the very things the Senator from Nebraska has referred to were the things that I think actuated the committee in making up its judgment.

Mr. BURKETT. Does the Senator remember the price per square foot that we paid when we built the municipal building?

Mr. HALE. No; I do not, but it is much greater. Then, unfortunately, as everybody knows, when the Government gets its eye upon any property prices at the hands of owners begin to advance. Every year the prices of property on the lower side of the Avenue increase, and the money that the Government in the end will pay will be treble what it would have been if we had taken up the large scheme which the Senator from Idaho [Mr. HEYBURN] at one time proposed and which contemplated the whole tract between the Avenue and the Mall. I can not tell the difference, but it is very great.

Then the Senator knows that when we have to erect a building south of the Avenue we should not construct such a building as this. We can put up for \$250,000 a building on this 330,000 square feet of land that for practical purposes and for every use of government clerks and employees will be just as good as if it cost a million and a half. It is the kind of building that a private citizen would build.

Mr. NEWLANDS. I should like to ask the chairman what is the present rent of the building?

Mr. LONG. The present rent is \$21,000 annually.

Mr. NEWLANDS. Is there any difficulty about securing an extension of the lease?

Mr. LONG. I think there would be considerable difficulty. I do not know definitely about it, but the building will accommodate only part of the clerks required for the next census. It will be necessary for the Government to go outside of that building, as it did in the last census, in order to accommodate the force necessary for taking the next census.

Mr. NEWLANDS. I understand that the purchase contemplated covers ground other than that covered by the present building.

Mr. LONG. It does.

Mr. NEWLANDS. How much?

Mr. LONG. It contemplates the purchase of the building immediately north, known as the "high school building," and the purchase of ground sufficient in area on which to construct a new building 6 stories in height, costing not to exceed \$250,000. It will give the Census Office three buildings instead of one, and sufficient space to care for all the clerks engaged in the work of the next census.

Mr. NEWLANDS. And it would, I imagine, leave in existence the present building as it stands.

Mr. LONG. It would.

Mr. NEWLANDS. Mr. President, I presume that my inquiries cover matters that have already been presented to the

Senate. I simply chanced a moment ago to observe that this subject was under discussion. But I have always wondered that that location should have been chosen for the Census Office. It is about as low as any ground in the city; it is entirely surrounded by buildings of rather an inferior character, and yet so surrounded as to cut the building off from sufficient light and sufficient view, it seems to me. I believe that every public building should have a large air space about it, and it seems to me that, unless there is immediate necessity for the purchase of this property, it would be very much better to give the proper official the power to purchase property according to his discretion, or that of some commission, limiting the amount to be paid for the land and the amount to be paid for the building. I will ask the Senator about how many cubic feet is it contemplated that these additional buildings should contain.

Mr. LONG. I have stated before the floor space that would be included in the three buildings. The floor space in the present building is 95,000 feet; in the proposed new building it will be approximately 70,000 feet; and in the "high school building," so-called, there are 35,000 feet, or an aggregate of 200,000 square feet in the three buildings.

Mr. NEWLANDS. Mr. President, 200,000 square feet of floor space can be constructed of fireproof material for about \$5 a square foot, or about 50 cents a cubic foot. So if the Senator proposes to have a building that will have 200,000 square feet of floor space, the cost could be brought within \$1,000,000.

I imagine that a site very much healthier and very much better than this—higher, with more air about it, with a more extensive view about it—could be purchased for the sum which is named in this bill, I believe of \$450,000. I imagine that a very good location could be got for from \$2 to \$3 a square foot some place adjoining the Mall, where there will be a beautiful park.

Mr. LONG. Would the Senator suggest the space adjoining or near the Mall that could be purchased for that price?

Mr. NEWLANDS. I know that the George Washington University bought land adjoining the Mall—a very considerable area of land, more than I think is contemplated here—for less than \$250,000.

But why prescribe in this bill the location of the Census Office? Why should we not leave it to the judgment of a competent board or department or commission, and limit the amount of the appropriation for the lot, limit the amount of the appropriation for the building, and then give such a commission some leeway in the determination of the location and the character of the building? I do not think that a more unfavorable place could be secured in the District of Columbia for a large public building intended for the comfort and convenience of a large number of employees than the location of the present Census Office, and I do not believe that any very largely increased expenditure would be caused by reason of the course which I suggest. So far as I am concerned, I certainly should never join in any movement to put a permanent building in so inferior a location. I think it would be cruel to subject the census clerks and employees to location in such a place as that.

Mr. SCOTT. Mr. President, I hope the Senator in charge of the bill will not press this section. This matter was before the Committee on Public Buildings and Grounds at the last session of Congress and was unanimously turned down by that committee, for the reason that in a bill which was passed we provided for two million and a half dollars to buy certain blocks of land south of Pennsylvania avenue and facing the park or the circle, or whatever it may be called, south of the White House. At this time appraisers are going over those three blocks of land and it is in process of being purchased. If we succeed in getting these three blocks, it is the object and desire of the committees of both the House and the Senate, on the recommendation of members of the Cabinet, of the Secretary of the Treasury, the Secretary of State, and the Secretary of Commerce and Labor, to erect thereon a sufficient number of buildings to care for and house all of these departments.

Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Kansas?

Mr. SCOTT. Certainly.

Mr. LONG. Will the Senator from West Virginia state when those buildings will probably be completed?

Mr. SCOTT. The Senator from Kansas can look perhaps as far into the future as I can. I am not a clairvoyant or a fortune teller; but, Mr. President, can this ground be bought and the buildings erected in time to do the present Director of the Census any good in the taking of the present census?

Mr. LONG. In answer to the inquiry, I will say to the Senator that it can. If we thought this building could not be erected

within the time necessary, we would not have reported this amendment.

Mr. SCOTT. Mr. President, I do not want to question the judgment of the Senator from Kansas or that of the committee, but judging from my experience of the way things move in the city of Washington when you have to condemn land and buy it and erect buildings thereon, probably we shall have reached the taking of the census of 1920 before this building will be in condition to be used.

Mr. President, the buildings which we have down here, with the buildings that are rented, were sufficient for the taking of the last census; and, in my judgment, there is no need of pressing this building clause in the pending bill at the present time, and especially in view of the fact which I stated a few moments ago, that this matter was before the appropriate and proper committee, the Committee on Public Buildings and Grounds, by whom it was unanimously rejected, and because of the fact before stated, that we propose to erect buildings which will house all of these departments. If buildings we already possessed had not been torn down, perhaps we would not have needed this building; we could have housed therein a part of the clerks in buildings that have been, in my judgment, unnecessarily torn down.

Mr. LODGE. I should like to ask the Senator from West Virginia a question before he takes his seat.

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Massachusetts?

Mr. SCOTT. Certainly.

Mr. LODGE. I understand the land the Senator refers to is that which it is proposed to purchase under the appropriation of last year?

Mr. SCOTT. Yes.

Mr. LODGE. That is, the blocks next to Fifteenth street?

Mr. SCOTT. Yes; the three blocks between Fourteenth and Fifteenth streets.

Mr. LODGE. Opposite the New Willard Hotel?

Mr. SCOTT. Yes; the three blocks between Fourteenth and Fifteenth streets.

Mr. LODGE. If that purchase is consummated, will there be room there for the Census building as well as for the other three departments to which the Senator refers?

Mr. SCOTT. We were so informed by the proper authority—the Supervising Architect.

Mr. LODGE. How soon does the Senator think it likely that the purchase of the land will be completed?

Mr. SCOTT. That, as I suggested to the Senator from Kansas [Mr. LONG] a few moments ago, I can not possibly state.

Mr. LODGE. Not the construction of the buildings, but the purchase of the land?

Mr. SCOTT. They are now engaged in the proceeding prior to taking action to condemn the land.

Mr. LODGE. Mr. President, of course I think we all must agree that it is extremely desirable to put all the census force under one roof, and that we no doubt are paying high rent now. I have listened to the debate. I was at first impressed very favorably with the views of the committee, but I begin to question very much whether it will be good economy in the long run to put a building or to put three buildings—to a certain extent a makeshift—in a situation which is acknowledged to be a poor one. If we are going to purchase under the appropriation of last year the large tract to which the Senator from West Virginia [Mr. SCOTT] has referred—and sooner or later I suppose, we may assume that that will be done—

Mr. SCOTT. If the Senator will allow me, we contemplate asking to have the ends of the street abandoned, which will virtually give us almost another block if we get those provided for.

Mr. LODGE. Certainly; and if there is room there to put a Census building on land which we are going to buy in any event, it seems to me it is poor economy to establish ourselves permanently in an inferior situation. It would be better in the end to construct a Census building, even such a building as the Senator from Kansas [Mr. LONG] describes, in a good situation. I can see that it will cost us more to continue with rented buildings, of course, but it will cost us a great deal more to put up at the place proposed and connect three buildings which we shall assuredly give up before very long. If the building goes on the land described by the Senator from West Virginia, we save the cost of the land to begin with, because we are going to buy all that land in any event. We have three great departments to place there, and if there is room there for the Census building, all the money that is appropriated here for a building and ground could be put into a good building for the Census and in a proper situation. I think it would save the

Government money in the long run and give us a permanent building.

Mr. McCUMBER. Mr. President, we must not forget that we are confronted here with a condition. We must have a building, and that building must be completed for the next census. There is no question but that we can erect a building in conformity with the views of the park commission, or whatever it is called, and in the proper place. We can probably do that for between four and six million dollars.

Mr. LONG. And within four or six years.

Mr. McCUMBER. Yes; within four or six years. Do we want to spend in the first instance for this particular purpose this year, even if we could complete the building, the sum of from four to six million dollars? With the present condition of the Treasury, can we afford to do it and meet the other obligations of the Government without issuing bonds?

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. Certainly.

Mr. LODGE. I desire to ask the Senator from North Dakota a question. He speaks of "a building costing four or five million dollars." That is mere conjecture. If the object is to put up a building of moderate cost, we can construct such a building for the same price that is proposed in this bill. My proposition is simply to build it in another place; that is all.

Mr. McCUMBER. Mr. President, we would not construct such a building as is contemplated in this bill as part of the scheme for permanent buildings of the Government. The Senator from Massachusetts would not vote to put up such a building—a \$250,000 building—to be torn down in a short time and be rebuilt. As I understand, we all agree upon one proposition, and that is that all the new buildings in this contemplated scheme are to be of like character, that they are to be so designed as to beautify and be a credit to the city for a hundred years to come, and then we will not need to tear them down.

If we are ready to go on to-day with that scheme and carry it out, and if we can get the building for the Census Bureau in time and the money to pay for it without crippling the Government in other respects, I certainly would be in favor of it, and I so expressed myself in the committee. But the general consensus of opinion was that we would hardly be justified in asking for the necessary amount to construct a monumental building, nor could we get that building finished within the proper period for the work of the next census.

Mr. SCOTT. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from West Virginia?

Mr. McCUMBER. Certainly.

Mr. SCOTT. What is the urgent necessity for an additional and larger building for the Census Bureau when we have the same building that was occupied for this purpose eight years ago, when there was sufficient room?

Mr. McCUMBER. Mr. President, we did not have sufficient room.

Mr. SCOTT. We got along with it.

Mr. McCUMBER. We had one or two buildings in addition to that. We rented a building on G street for a year or two, and we shall have to rent again at some other place.

Mr. SCOTT. Can we not do that again?

Mr. McCUMBER. I do not think we can get an appropriate building in the proper location by next year for anything like a reasonable sum. I do not know that it would be possible to get the right character of building. It has already been shown that the expense of conducting this bureau in buildings scattered over the city is quite enormous, as well as inconvenient, and that it delays the work to a great extent.

So we finally get down to the next proposition, which is really the only one, as to whether or not we can carry out the scheme which the Senator from West Virginia has of putting up our new buildings south of the Avenue. If we can do that, if we have got the money to do it and a building for the census can be constructed in time, I do not think there would be a single vote against it, but I believe that it can not possibly be done, and that is the general understanding.

Mr. NELSON. Mr. President, I am somewhat surprised at the opposition to this scheme of securing the piece of ground situated below Capitol Hill and constructing a Census building on it. It seems to me that that piece of ground is better than any in all that part of the city south of the Avenue. There has been an effort in recent years to erect all our public buildings in a string on the south side of the Avenue. Those who have ex-

amined that ground know that it was all a quagmire and a swamp and that the course of the old Tiber Creek was through it. The ground included in the three blocks that we are seeking to secure is a part of that swampy ground. Now, what surprises me is that the gentlemen who are in favor of locating all our public buildings on the swampy side of the city, where it costs so much to get a foundation, should object to this piece of ground, which is a little swamplier than all the rest. I think the building provided for in the bill will answer all the purposes that any other building would.

It took about one-third of the appropriation for the Post-Office building to get a proper foundation. They had to put in piling without end; and I have heard indirectly that the contractor who put up the new District building congratulated himself on the fact that the building did not sink before he got through with it.

The three blocks south of the Avenue which were provided for last year take in a part of the ragged end of the city. The lower portion of that tract extends down where the outlet of the old Tiber Creek was, and I presume before we get through with it it will be the most expensive piece of ground in the entire city. When the Government has to resort to condemnation proceedings, the real-estate agents swear for one another and inflate prices. I think I read somewhere that they were claiming the land down south of the Avenue was worth from \$7 to \$10 a square foot. I venture to say that they could not palm it off on anybody else for the price at which they are seeking to unload it on the Government.

Take the piece of ground where the District building is. One of the street railway companies owned that ground. They had a power house on it, which was destroyed by fire, and that ground was nothing but a piece of ruin, a bog. Nobody wanted it, and nobody cared about it; yet they unloaded it on the Government and erected that fine District building in that quagmire when we had good ground up here where the old District building formerly stood.

Mr. President, I only rose to express my surprise that Senators who are in favor of erecting all our public buildings in low, swampy ground should object to this piece of ground proposed for the Census building, which is a little swamplier than all the rest.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. NELSON. Certainly.

Mr. LODGE. I desire to say in regard to the three blocks south of the Avenue which it is proposed to purchase, that I think that land runs off at one end into low ground; but most of it is on natural ground, where the hill rises.

Mr. NELSON. A little bit of it, near the Treasury Department, is high ground.

Mr. LODGE. I think it differs from the rest.

Mr. NELSON. But over half of that ground is very swampy and boggy, and we shall find that it will cost us four or five million dollars before we secure that ground.

The site of the Post-Office Department, as I understand, cost us over \$600,000. Yet the building is constructed in a bog, and when there is high water in the Potomac and the water backs up it gets into the basement of that building. It seems, however, to be the plan and the scheme to erect our public buildings like a row of Lombardy poplars on the south side of the Avenue. If that is the scheme that is to be followed, I do not see, if we are going to select swampy ground for all our buildings, why we should not take this site below Capitol Hill, which I think is pretty near the old course of Tiber Creek.

Mr. McCUMBER. Mr. President, I do not want the Senator to think for a moment that I have ever been in harmony with the view of placing all our buildings south of the Avenue; but I do not see that we can stem the inclination to place them all there any more than we could stop a glacier from sliding down hill. The buildings seem to go there, and the majority of Senators seem to think they must follow that scheme. We are placing our public buildings not only in the worst part of the city, so far as healthfulness is concerned, and in the hottest part of the city, but we are placing all of our buildings over to one side of the city paralleling the river, instead of along some great avenue going through the city.

I myself have always believed that we should have taken some street running north, like Sixteenth street, or some avenue that runs up into high ground, beautify that street or avenue, and use it for our public buildings. But we have started upon the other scheme, and, although when I first came here I resisted it as much as I could in my feeble way, I could not see

that the resistance counted for anything. At any rate, building after building is going up south of Pennsylvania avenue, and as that is the case, let us, where we are going to put up the permanent buildings, at least put up good ones. That is all I ask for in this case, and not for a \$250,000 building on a new site.

Mr. SCOTT. Mr. President, in reply to the Senator from Minnesota [Mr. NELSON] and the Senator from North Dakota [Mr. McCUMBER], I will say that I have not by any means been in favor of placing all our public buildings south of the Avenue. I was not in favor of the magnificent monument nearing completion for the occupancy of members of the United States Senate. There are many Senators, I have no doubt, here to-day who prefer to keep their own committee rooms here in the Capitol; but I would not for a moment wish to inconvenience a Senator who wants to move out of the Maltby Building or out of the "cave of the gods" down below, and get into the new Office Building. But it strikes me there are two stories over there in the new Office Building that will never be needed by Senators for committee rooms, and if the Committee on the Census would turn their attention to the two upper stories of that magnificent Senate Building, for which there is no more use than there is for the fifth wheel to a wagon, I think they would find room for the employees of the census.

Mr. President, in regard to the quagmire and low ground to which the Senator from Minnesota has referred, I would say that there is no question but that a part of it is of that character. But he must remember, as the Senator from Massachusetts [Mr. LODGE] very properly suggested, that the ground rises on Fifteenth street, and there is only about one-third of the three blocks and the end of the streets running from Fourteenth to Fifteenth streets that could be considered as low ground. Now, if we appropriate the money to put up the building for the census as proposed in this bill, it will simply detract from and delay the accomplishment of the object, which I believe a majority of Senators have, in providing adequate buildings for the use of the Departments of State, Justice, and Commerce and Labor. In the buildings to be erected we can house all the clerks that we are now paying rent to accommodate in outside properties.

I repeat, if the chairman of the committee will turn his attention to the Senate Office Building across the way, I think he will find two stories in that building which can be utilized for the purposes of the census.

Mr. CARTER. Mr. President, the erection of a permanent building according to the plans that are ordinarily adopted for permanent buildings in this city would scarcely be warranted for the use of the Census Bureau during the three years' work on the decennial census. It must be borne in mind that the census force expands rapidly and contracts rapidly. The Census Committee in considering the question of accommodations for the next census was not unmindful of the possibility of renting as a last resort, but information gathered in that behalf from various sources demonstrated, I think, that there were no available buildings to be had in the city for the accommodation of the next census. Only yesterday evening the Secretary of the Treasury advised me that he had been for weeks in quest of some kind of a building in the city for the accommodation of a division of his office for which he has no present room; that finally he was enabled to secure measurably good accommodations for a portion of the force on G street in a building a short distance east of Seventh.

Mr. NELSON. Is not that the old post-office building?

Mr. CARTER. It is the old post-office building.

Mr. NELSON. That they tried to unload on the Government some little time ago?

Mr. CARTER. Some little effort was made in that direction, I believe. I remember making some objections at that time, and I would renew them now—

Mr. NELSON. I simply suggested that to show how easy it is to make a discovery in these cases.

Mr. CARTER. I recall very distinctly that when there was offered in a bill an appropriation item to purchase that building—I think it is the Union Building—I offered such objections to the appropriation as occurred to me at that time. I deemed it unwise and unnecessary at the moment.

If no provision at all is made for the accommodation of the census force which can not be accommodated in the existing building at the foot of the hill, one of two things will occur: First, a wider distribution of the census than ever before into such buildings of limited capacity as can be obtained, or else a contract by the Director of the Census with some syndicate which may be induced by extraordinary rent to construct a

building for a three years' lease. Unquestionably if we are driven to the three years' lease the rental will be fixed at such a rate as to pay for the building and the land in three years. The Director of the Census, a very prudent and faithful officer, investigated very thoroughly the subject of quarters for the decennial census, and he reached the conclusion that the place where the office is now located, supplemented by the ground immediately to the north for additional construction, was at once the most available and economical provision that could be made.

Mr. President, it is clearly and distinctly stated by the director that no agent, attorney, or promoter is in any manner, shape, or form to be compensated or paid a commission out of the proceeds of this sale, if made. The price alone fixed for the property would bear out that statement if the understanding of the director required any support. Three dollars and thirty-one cents per square foot is the price fixed, and upon the land to be purchased at that price is a building entirely adequate for the accommodation of the major portion of the census force, so that no additional construction will be required as to that space which aggregates, I believe, 90,000 square feet of the 118,000 square feet.

Mr. NELSON. May I ask for information whether this ground includes the census building that is on it now?

Mr. CARTER. It includes the census building.

Mr. NELSON. It is proposed to add additional ground to it?

Mr. CARTER. It is proposed to add some—

Mr. LONG. Not an addition, but close to the present building.

Mr. NELSON. This purchase includes the ground and building?

Mr. LONG. It does; and also the "high school building," so-called. There will be three buildings.

Mr. CARTER. Not only the present Census building, but a rather large and commodious building, in good repair, now occupied by the Southern Railway, to the north of the present Census Office, fronting on First street. So we have for \$3.31 per foot the ground and the building standing on the ground now occupied by the Census. In addition to that, there will be the building known as the "high school building," formerly occupied by the Commissioners of the District of Columbia and at present occupied as offices by the Southern Railway Company.

This leaves only some construction to the west of the Southern Railway Building, and that is provided for in the amendment.

I am informed, and can only state on information and belief, that the ground immediately to the south of the Census building, upon which, it will be remembered, a number of indifferent cabins were located, was purchased by Mr. Bliss for \$3.50 per foot, the buildings torn down and a new building erected there, which is quite a sightly and expensive building, evidently upon a good, solid foundation, because it has been standing there for almost a year.

It will be perceived, then, that, first, the Census requires that the space used temporarily may be adapted to some use in the intervening period between the decennial censuses. This main building may be used to a considerable extent for storage purposes by the Government Printing Office, by the Census Office, and by every department of the Government having use for additional storage room for the seven years when the space is not occupied by the decennial census force.

In the meantime the wares therein stored may be removed during the three-year period, and accommodations found in that manner for the Census Office, which is inflated and diminished, as I have suggested.

If we rely upon private enterprise to construct the necessary accommodations for the census, we will pay out the amount of this proposed appropriation, in my opinion, and leave the title in the other fellow at the close of the transaction. The committee did not treat this matter lightly. They consulted with the director, who is well informed, and conferred one with another and concluded that from the standpoint of expediency, the standpoint of economy, it was wise to add this amendment to the bill; and if senators will take the trouble to extend investigation as far as the committee extended it I doubt if a Senator present will hesitate to approve the amendment.

Mr. LODGE. Mr. President, I was very much impressed by the statement of the Senator from West Virginia [Mr. SCOTT] that we were going to get what are known as the three blocks, and we should have there, in any event, land which could be used for this purpose. But it seems to me, following the debate as it has gone on—and I have been listening to it for information, because I knew nothing about it when it began—the practical

question is this: I do not regard the present situation as permanent. I think it is in many ways a poor situation. It is perfectly obvious from the price and the varying character of the three buildings that it is not a building which will be in its nature a permanent building.

It seems to me it all comes down to this: We must house the census force for the next decennial census. Is it better economy and will it lead to better administration to house it in these buildings which are proposed and which are cheap and temporary in this situation or to rent? We have to do one or the other. My own impression, after listening with an open mind to the debate, is that if we put it in that way, that we are not to have a permanent building there, it is cheaper to take this land and build the buildings we need, and when we come to permanent buildings, if we abandon them and the money that has gone in, \$680,000, we shall have spent less money in the end than if we rent.

Mr. LONG. Mr. President, I wish to make a suggestion as to the remarks of the Senator from West Virginia [Mr. SCOTT].

The Committee on the Census did not assume to usurp the prerogatives of the Committee on Public Buildings and Grounds. We knew that committee was charged with the responsibility of reporting to the Senate upon questions relating to the location of public buildings. It is true that this proposition was presented last year to the Committee on Public Buildings and Grounds, and by it not reported. It was presented to the committee at the close of the session without any adequate opportunity to ascertain all the facts or to present them to the committee. But it is also true that the proposition to acquire the land occupied by the present Census building, though not all the ground provided in this bill, was presented to the Senate some six years ago and was passed by the Senate.

Mr. WARREN. I think it was longer ago than that. It was after the last census.

Mr. LONG. Yes. It was favorably acted upon by the Senate at that time. We did not presume that by purchasing this ground and erecting a building thereon a building would be erected such as the Government would erect south of the Avenue. The records of the last census and of preceding censuses, which are very valuable, of great importance to the Government, are not now kept in a secure place.

The \$250,000 building that we contemplate erecting on this ground will be fireproof. It will not be so handsome a building as would be erected south of the Avenue; possibly it may not be considered a permanent building, but it will be a building where the records of the Census Office can be safely kept. In view of that fact and the further fact that two buildings are already located on this property, on which the Government does not need to spend any additional money, the erection of the \$250,000 building will not be wasting the public money. This land, the Senate will remember, is included in what is called the "Park Commission scheme," to which the Senator from West Virginia, I understand, is so much devoted.

Mr. SCOTT. I beg the Senator's pardon; I am not committed to any scheme.

Mr. LONG. At least so far as relates to the land south of the Avenue. According to that report the Government should own the ground occupied by these buildings and on which it is contemplated to erect the third building. Of course I take it that the observation of the Senator from West Virginia as to using the third floor of the Senate Office Building for the next census was not intended seriously, for of course we could not house a part of the next census force in that building.

Mr. NEWLANDS. Mr. President, I offer an amendment as a substitute for section 33.

The VICE-PRESIDENT. The Senator from Nevada proposes an amendment, which will be stated.

The SECRETARY. In place of the committee amendment known as section 33 it is proposed to insert:

SEC. 33. That the Director of the Census, under the direction of the Secretary of Commerce and Labor and with the approval of a commission consisting of the Secretary of Commerce and Labor, the Director of the Census, the Supervising Architect of the Treasury, the Superintendent of the Capitol, and the Superintendent of the Congressional Library, be authorized to purchase or condemn real estate in the District of Columbia for the use of the Census Office at a cost not exceeding \$300,000, and to construct a building thereon costing not to exceed \$700,000.

Mr. NEWLANDS. Mr. President, my suggestion provides for a competent commission to look into the question of site and into the question of construction and determine both, that commission to consist of three experienced builders, men who have had the confidence of Congress—the Supervising Architect of the Treasury, the Superintendent of the Capitol, and the Superintendent of the Congressional Library—these three acting in conjunction with the Secretary of Commerce and Labor

and the Director of the Census. I do not believe we should restrict the location of this structure to the south side of Pennsylvania avenue. We are not prepared now to locate it anywhere. What we do want is a suitable and a healthful site, and it seems to me the commission named in the amendment will be entirely competent to select such a site.

Now, second, as to the area of ground which ought to be taken for this purpose. The chairman of the committee states that it is desired to have a building which will contain 200,000 square feet of floor space.

Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Kansas?

Mr. NEWLANDS. Certainly.

Mr. LONG. I stated that the three buildings, the two now in existence and the third to be erected, would have that floor space.

Mr. NEWLANDS. That is what I understood from the Senator.

Mr. LONG. It is not the purpose to erect one building with that floor space.

Mr. NEWLANDS. I will amend my statement by saying that I understand from the chairman of the committee that it is desired to have 200,000 square feet of floor space, and his proposition seeks to provide for that by putting up two buildings and utilizing the present building.

Mr. LONG. By erecting one building, which, in addition to the two buildings now in existence on this property, will make three.

Mr. NEWLANDS. Will make three. At all events, I am correct, am I not, in stating that the floor space desired is 200,000 square feet? Am I correct in that statement?

Mr. LONG. The Senator is correct in the statement that these three buildings will have 200,000 square feet.

Mr. NEWLANDS. Two hundred thousand square feet; and these three buildings are deemed by the committee adequate to the work of the Census Office. Am I correct in that statement?

Mr. LONG. I believe the Senator is correct in that statement.

Mr. NEWLANDS. Very well. I am glad to have arrived at an understanding with the chairman of the committee, for all I wanted to ascertain was the number of square feet required.

Now, it requires only 40,000 square feet for a building that will contain 200,000 square feet of floor space. A lot of 40,000 square feet will sustain a building five stories high, each story of which will have a floor space of 40,000 feet, and multiplying 40,000 by 5 you have the 200,000 square feet required.

In purchasing a lot it is not desirable, of course, to build upon more than two-thirds of the lot. So that you will require a lot of 60,000 square feet in order to obtain a building area of 40,000 square feet.

The committee proposes to buy over 100,000 square feet, which would necessitate, if you had one building over all, a building of two stories only in order to secure a floor area of 200,000 square feet. It is therefore clear that by the purchase of 60,000 instead of 115,000 square feet we can obtain ample ground to put up this building and leave one-third of the lot for air and light space.

The next question is, what will a building covering 40,000 square feet and five stories in height, an average for each story of about 13 feet, 70 feet in all, cost? Multiply 40,000 by 70, and you have 2,800,000 cubic feet as the cubic contents of the building. The very expensive buildings which the Government puts up in this city, such a building as the municipal building, will cost from 75 cents to a dollar a cubic foot. So if you propose to put up a building of that standard, your building will cost approximately \$2,000,000. But, as I understand, the structure need not be of that monumental character. It is simply to be a useful structure, as attractive as possible in form and in appearance, but not having the expensive construction employed in a building like the municipal building. In the first place, the areas are large, the rooms are large, and you must recollect that the finishing of the interior of a building costs more than the exterior shell. For the purpose of putting up a Census Office building you require simply a shell, for the rooms will be very large in space, just such rooms as are employed in the present Census Office.

Now, that character of building can be put up, fireproof in construction, at from 20 cents a cubic foot to 30 or 40 cents a cubic foot, according to the number of partitions and the perfection of finish. It was stated to me by Mr. Walcott, lately Director of the Geological Survey, and now Secretary of the Smithsonian Institution, a gentleman who has had large experience in construction, that Stoneleigh Court, constructed under his supervision for Secretary Hay, cost, per cubic foot, not

more than 22 cents, and that was a comparatively costly form of construction, for it involved innumerable subdivisions in the shape of apartments, and expensive plumbing, such as will not be required in the Census Office.

I shall assume, then, that if you have a building of 2,800,000 cubic feet, you can put it up for 20 cents a cubic foot and have it entirely fireproof in construction, provided you have these large rooms, with large spaces, and do not create the numerous subdivisions that would be required in an office building or a hotel or an apartment building. At 20 cents a cubic foot, 2,800,000 cubic feet will cost \$560,000. It will require 60,000 square feet of ground, which ought to be secured in a healthful location—not necessarily in a central business location, but in a convenient and healthful location—at from \$2 to \$4 a square foot. At \$2 a square foot you could get 60,000 feet for \$120,000. At \$4 you would pay \$240,000. Assuming that you have to pay \$240,000 or even \$300,000 for your lot, and you add to that the cost of the building—\$560,000—you have a total of \$860,000.

Now, under this bill it is proposed to make a total expenditure for the land with the buildings of \$430,000, and to add \$250,000 for a building, making \$680,000 in all, and for a sum very little greater you can get a convenient and healthful locality, you can get high ground, you can get new construction throughout, and you will have the location and construction comprehensively planned by a commission consisting of three experts, acting in conjunction with the Secretary of Commerce and Labor and the Director of the Census. Certainly such a commission of executive officials and experts can form a better judgment regarding this matter than Congress.

That is our difficulty in proceeding with reference to the location and construction of public buildings. We have not as yet organized, as they have in almost every civilized government, a bureau of art or of architecture or a ministry of arts, to which is confided this special work. We are now engaging extensively in the construction of public buildings all over the country; the appropriations for the public buildings are likely to rival our appropriations for rivers and harbors; and we have not yet organized a comprehensive plan for their location and construction under the direction of trained men.

I suggest that here is an opportunity to start. We put upon this commission executive officials, the Secretary of Commerce and Labor, the Director of the Census, and we ally with them three well-known constructors and builders, who have had in the past, and have now, the confidence of Congress, as evidenced by numerous appropriations made by Congress to be expended under their direction. There is no better constructor in the country than Bernard Green, of the Congressional Library, who acted so long under the direction of General Casey. We all have confidence in the Superintendent of the Capitol, Mr. Woods, who, for so many years, acted under the old Architect of the Capitol, Mr. Clark, and who has been trained in this building. The Supervising Architect has the confidence of Congress and the confidence of all his associates in architecture and art.

These three men have been intent upon study for years relating to the architectural and landscape development of Washington. They are familiar with L'Enfant's plans and with all the modifications and extensions of those plans recently recommended by the commission appointed by Congress some years ago. We certainly could not secure a better-informed or a more capable commission than the one provided for by this amendment.

The amendment calls for an appropriation of \$300,000 for the lot and not exceeding \$700,000 for the building. I think we can safely go to the extent of a million dollars in this matter. I should hope that this commission would so locate the property as to fit in with the future plans of the Government relating to the architectural development of the city so far as public buildings are concerned.

Mr. SCOTT. Mr. President, I want to say just one word, and I am sorry to detain the Senate for even a moment.

I fully agree with the Senator from Massachusetts in regard to the matter of paying rent, and I think my record in the Senate shows that I have always advocated that it was better for the Government to own buildings than to rent them.

The only reason why I object to the amendment is the contemplated building for the Commerce and Labor Department under an appropriation of \$2,500,000.

I believe the appropriation of this amount of money, unless it is, as the Senator from Massachusetts says, cheaper to own it than to rent it, would perhaps hinder the future appropriation we hope to get to put up buildings. I know from personal investigation I made a year ago that the Government of the United States is paying for rent anywhere from 9 to 17 per

cent on the money invested in buildings the Government is occupying in the city of Washington. The only objection I have is that I believe it will interfere in future with the appropriation for a building for the Department of Commerce and Labor. Then, without being thin skinned at all, I want to say to the chairman of the committee that this portion of the bill should have gone to the Committee on Public Buildings and Grounds.

Mr. WARREN. Mr. President, I was not in the Chamber during the first remarks of the Senator from West Virginia, but I think I know what his feeling is in the matter. I want to say to the Senator from West Virginia and to the Senate that as far as I am concerned I do not propose that this purchase of land or the erection of this building shall hinder us in going on with future improvements in providing for the departments at the proper time.

Mr. HALE. Not in the least.

Mr. WARREN. Not in the least. But here we are with a lease nearly expired. We should have bought the building when the Senate passed a bill for that purpose some years ago. In that case we would have had it paid for in the rent we have since paid. We have now come to a time when we must have three years' use of a building in which to take the census. That three years will have expired before we could get into operation with a large commission and in dealing with the public in buying a proper site.

I think this provision should be left in the bill.

Mr. NEWLANDS. Mr. President, I will ask the Senator from Wyoming if he doubts that a building of the character I have described, with very large spaces, large rooms, such as are now in the present Census Office, with steel construction, could be put up within nine months? If he has any doubt upon the subject, I can present indubitable proofs by to-morrow.

Mr. WARREN. I am not going into that question, except to say that my conception of a building for the Department of Commerce and Labor is that such a building can not be constructed in that length of time, or in possibly twice that length of time.

Mr. NEWLANDS. The Senator refers to the Department of Commerce and Labor. I understand that this is a building for the Census Office, and that is what I propose to provide for, a mere shell, fireproof in construction, of large spaces, similar to those in the present census building. I undertake to say that there are half a dozen contractors here who would contract to put up such a building within nine months.

Now, how much time is going to be spent in the purchase of the lot? Appoint a business commission, and can you doubt that such a commission would secure 60,000 feet of ground within thirty days?

Mr. HALE. In two years.

Mr. NEWLANDS. The Senator underrates the business capacity of such a commission. I am aware that action under the inspiration of Congress has usually been very tedious and very dilatory, but it is because of the unbusinesslike methods of Congress. Congress has never yet taken up the constructive work of this country, the question of the development of our waterways, the question of the development of our public buildings throughout the country, in a comprehensive way. The only great constructive work it has taken up in a businesslike way has been the irrigation works and the Panama Canal. No one can contend that in those cases the work has not been conducted with certainty and with dispatch and celerity; and we have succeeded in those instances simply because we have largely emancipated them from the thralldom which Congress and congressional committees have continually imposed upon the constructive work of the country.

I stand for a businesslike method of conducting the public business. Our duty is legislation. We fail to realize that, and we take upon ourselves in many instances the practical work of administration. I trust we will cut ourselves clear from it in the matter of planning the future system of waterways in this country just as we have cut away from it in the Panama Canal and in the irrigation works. It is the large discretion within certain limits that we have given the executive branch of the Government in those cases has enabled us to do the work, and to do the work with dispatch.

The delay in the public work is not due, in my judgment, to the executive branch of the Government, but to the unbusinesslike methods employed by Congress itself. And what can be more unbusinesslike than the selection of a lot which, according to the confession of everyone who has spoken upon this floor, is one of the poorest in location in the District of Columbia, and the construction, in addition to one building now inadequate for the purpose, of two other buildings temporary in character.

It is proposed to increase in that undesirable location the investment of the Government. Yet it would be very easy within a period of thirty days to acquire 60,000 feet of ground, which is all that is required, instead of 115,000 feet of ground, as is contemplated. I ask what business corporation or what business man would buy 115,000 square feet of ground in order to put upon it a building of 200,000 square feet of floor space? A building two stories high on such a lot would contain all the floor space that would be required.

Would a corporation do that? Would a business man do that? Would any corporation or business man having a location confessedly improper for the purpose required increase his investment in such a location?

There is no doubt about this matter. There is not anyone here who does not admit that this is a crowded space, that it has not sufficient light and air about it, that it is in a low quarter of the city, unattractive in appearance and hot and uncomfortable during the summer season, not a proper place in which to collect a thousand, or perhaps 2,000, employees of whom hard work is expected. And yet Congress fails to take hold of this matter in any broad way by giving authority to a competent commission composed of executive officials and experts to exercise their judgment and discretion, within certain limits of appropriation, but puts the whole enterprise in a strait-jacket and dooms thousands of government employees to discomfort and inconvenience in this very undesirable location.

The suggestion is made that we will be delayed. The delay thus far has been that of Congress in not sooner making provision for a work clearly needed. That mistake should be remedied, not by compelling improper location and construction ill suited to the service required, but by putting this question into the hands of a competent executive commission. Having put the responsibility on them, we can hold them to a rigid accountability.

The VICE-PRESIDENT. The Senator from Nevada proposes an amendment in the nature of a substitute to the amendment of the committee. The question is on agreeing to the amendment of the Senator from Nevada to the amendment.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

Mr. LONG. One amendment on page 24 was passed over.

Mr. CLAY. Mr. President, my colleague [Mr. BACON] has been necessarily called from the Senate.

Mr. LONG. Will the Senator withhold his proposed amendment until after the remaining committee amendment is disposed of?

Mr. CLAY. Certainly.

The VICE-PRESIDENT. The Senator from Kansas proposes an amendment to the committee amendment passed over, which will be stated.

The SECRETARY. On page 24, in the committee amendment, line 24, after the word "authorized," insert the words "with the approval of the Secretary of Commerce and Labor;" so as to make the amendment read:

Provided, That whenever, in the opinion of the Director of the Census, the Public Printer does not produce the printing and binding required under the provisions of this act with sufficient promptness, or whenever said printing and binding are not produced by the Public Printer in a manner satisfactory to the Director of the Census in quality or price, said director is hereby authorized, with the approval of the Secretary of Commerce and Labor, to contract with private parties for printing and binding, after due competition.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs upon agreeing to the amendment of the committee as amended.

Mr. HOPKINS. I desire to state, Mr. President, that in committee I voted against that amendment. It is a question that was thoroughly thrashed out by the Committee on the Census of the House and on the floor of the House ten years ago, when we were preparing the census bill for the taking of the Twelfth Census. At that time the vote of the House was overwhelmingly against it.

The question is as to whether the printing of the work that will be done under the bill shall be done at the Government Printing Office or whether it shall be done under private contract.

The Government of the United States has one of the largest and best equipped printing establishments in the world, and an establishment that has been provided with every kind of machinery for doing the work here with dispatch and with excellency as well.

This amendment provides that if, in the judgment of the "Director of the Census, the Public Printer does not produce the printing and binding required under the provisions of this act with sufficient promptness," he shall have the privilege and the right to go to private printing establishments for the purpose of securing the work to be done.

It seems to me that this is placing a good deal of power in the hands of the Director of the Census. The amendment which has just been adopted on the suggestion of the Senator from Colorado improves that but little, in my judgment, because the Director of the Census will ultimately have control of the matter, and the Secretary of Commerce and Labor must necessarily follow the suggestions of the Director of the Census.

I think the present Director of the Census is one of the ablest men in the country as a statistician and the best equipped man in the country for this work. I have perfect confidence in his ability and his integrity, but it is placing a great authority in the hands of one man and putting it in his power to take the work away from the Government Printing Office if there is a division of sentiment between him and the Public Printer as to the promptness with which the work is being done.

The second objection to this amendment relates to the quality of the work and the price. If they disagree upon that, then it is left under the amendment for the Director of the Census to take the work away from this great printing establishment that is conducted by the Government and let private parties do it.

It is not my purpose, Mr. President, to make any lengthy argument upon this question. I simply desire to challenge the attention of Senators to the amendment, and I shall content myself by voting against it. It seems to me that it ought not to be adopted without every Senator understanding the scope and character of the amendment itself. And I believe if Senators do understand it it will not be adopted.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. CLAY. As I stated, my colleague [Mr. BACON] has been necessarily called away from the Senate, and he has sent to me an amendment. In his behalf I submit it, and ask for its adoption.

The VICE-PRESIDENT. The Senator from Georgia proposes on behalf of his colleague an amendment, which will be read by the Secretary.

The SECRETARY. On page 6, line 8, after the semicolon following the word "Navy," insert:

Also each case of intermarriage between a white person and a person of either whole or partial negro blood, specifying whether the husband or the wife in such marriage is of negro blood.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was agreed to.

Mr. LODGE. I offer an amendment to section 7.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 7, page 4, line 19, after the word "employees," the last word in the line, insert:

Except messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen.

In line 20 strike out "non" in the word "noncompetitive."

Mr. LODGE. The two portions of the amendment, I will say, Mr. President, go together.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. LODGE. Mr. President, this amendment puts the 4,000 clerks or thereabouts (I think the estimate is 4,000, that part of the force which is clerical) under competitive examination, and I suppose in that way opens them to the eligible lists of the civil service.

I call attention to the care with which the amendment has been drawn. The selection of 65,000 enumerators by Congress is not interfered with. The high privilege of appointing messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen is carefully reserved to Congress. This simply applies to the clerical force. It is to put them in substantially what is the classified service, and it is on that that I desire to say a few words.

I have seen the growth of the classified service during the comparatively short period I have served in the two Houses of Congress until practically all the routine officers of the Government have been placed under competitive examination and have been removed from the danger of political changes.

I think the establishment of that system is now beyond dispute. I do not think anyone would propose to go back to the system which existed before 1883. I do not think the country would endure it for a moment. I doubt if, with our enormously increased government service, it would be possible.

I think, Mr. President, it has been demonstrated that this disposition of the public service has, on the whole, worked extremely well. I think the work of the Government has been well done. I think it has been less expensive, and I think that, despite certain absurdities which have occasionally emanated from the rulings of the commission, it has been justly operated.

My own observation is that, with few exceptions, the clerks who do well are never heard of by Senators and Representatives and never trouble them. They secure their own promotions by merit, and they have no occasion to come to us. Those who do come to us for support—not in all cases, but in most cases—are those least deserving.

The old system, as is well known, was that of political appointment. It has been given to very few American statesmen with the exception of Webster, who is an exception to all rules in that respect—it has been given, I say, to very few American statesmen, indeed to a statesman anywhere, to utter a phrase which will come down the current of the years and become so generally accepted that even the author of it is often forgotten. Mr. Marcy declared that "to the victor belongs the spoils." The idea was not a particularly new one, but it was tersely expressed. He used the imagery of war to cover the results of the political battles. He meant by it that to the party victorious in the political battle the spoils belonged, and that offices were spoils.

Mr. Marcy's proposition, however unsound, as has been pointed out in the House, at least rested on the theory that the offices should go to the party which had won at the polls. We have gone a little beyond that in the arrangement that is in this bill. We have left behind us Mr. Marcy's theory of spoils going to the victorious party. We propose to treat the offices as personal perquisites. We on both sides are to have an equal share. I do not know whether it was the fact that if all did not have an equal share it might be feared that this excellent arrangement would fail; but at all events, they are to be divided among members of all parties, and therefore they are to become ours, not in the capacity of victors but in the capacity of Senators and Representatives, because, Mr. President, whatever fine words are used in the bill about examinations and all that, everybody knows that when you make the examination non-competitive it becomes practically worthless. It amounts to a "pass" examination, and the people who are recommended are sure to pass.

Mr. President, let me anticipate an argument which I foresee, having had a good deal of experience in discussing this somewhat unpopular subject, at least discussing it from the unpopular side. I do not mean the unpopular side in the country particularly, but the unpopular side in Congress. I am aware that it will be said to me, and to any others who take the same view of this question that I do here to-day, "Why, you seek offices, and you will seek positions under this act." That is perfectly true, Mr. President. Of course I shall. Every Senator and Representative will be obliged to do so, because otherwise he would be put in the position of having his constituents shut out from any opportunity of obtaining this class of government employment because the Senator or the Representative in the other House is constituted the only channel of approach. I am now approaching the subject, not from a view of general principle, but from an entirely selfish point of view. I remember a good many years ago, when this subject was under debate in the other House, and when the establishment of the civil service on its present basis was very far from being certain, that Mr. Speaker Reed, who very much disbelieved in what was called "civil-service reform," and frequently made it the mark of his wit, said to me, after the debate had taken place in the House:

If you will put it squarely on the ground of its usefulness to us and its good sense from the selfish point of view I am ready to go with you.

I want to put it for a moment on that ground.

We throw open these 4,000 clerkships for appointment by Senators and Representatives. I am putting it in a brief form. There is no use taking the phrases of the bill about that. That is what it means. Those clerks are to be appointed by Senators and Representatives. We shall, all of us, every one of us on both sides, be harried to death by applications for those places. I do not want to rate my function and calling too highly, but I do feel, Mr. President, that a Senator of the United States and a Representative of the people in the other House has something better to do than to haunt ante-rooms and persuade directors of censuses to give him employment for clerks, messengers, and charwomen. It is a burden from which I, for one, want to be relieved, and I think many other Senators and Representatives dislike it as much as I do.

It is not as though the question of system was at stake here. We are clinging to the remnants of a system that is dead and

gone and buried and trying to pick out from the remains of the dead system a few appointments as personal perquisites. We shall all do it. I shall do it like everybody else. I claim no virtue whatever in that respect, but I am trying to put the case as it appears to me.

I have just had an experience in that very direction. The Immigration Commission, of which I happen to be a member, was obliged to employ a few clerks, thirty or forty, in order to make certain tabulations—temporary employments for a few months. Fortunately we were able, having the Chief of the Bureau of Labor among our membership, to get some men detailed from the department who were thoroughly competent. We were able to get a few others that were good. We have been flooded with applications for those few temporary places. One case I recall of a woman recommended by a gentleman very distinguished in the public service. She came to the office and stayed half an hour. She was shown to her desk and given some work to do. She said she did not understand that she had to write and to make figures, and she went out and did not return. That is an extreme case, but it illustrates exactly the point that I am going to make. Most of the people who will in the end get these places will not be our constituents. They will be drawn from the body of professional office seekers who live in this city and who haunt this Capitol; people who, as a rule, have failed in private business and have been utterly unable to get or retain employment; who can not pass an ordinary examination to get into the public service, but who by importunity succeed, with the aid of friends, in getting appointments where no proper examination is required to test their fitness.

We are to take up in the spring the great business of revising the tariff. I have taken part in three revisions of the tariff and in one attempted revision. It was the hardest work I have ever seen Congress called upon to do, but I will venture to say that there will be a greater expenditure of time and temper for every man in either House of Congress caused by trying to distribute these 4,000 clerkships than will be caused by all the great schedules of the tariff, heavy as that burden is.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. With great pleasure.

Mr. CLAPP. Being in hearty sympathy with the Senator, I want to ask him why it would not be well enough to strike out the word "non" without inserting the exceptions?

Mr. LODGE. I will say to the Senator from Minnesota that, if I had my way, I would have the other classes selected in just the same way. I would confine it to striking out the "non," but I do not wish to be too drastic; I do not wish to seem unreasonable in denying to Congress the opportunity to select charwomen.

I now want to come to the matter of expense, Mr. President. The facts are all stated here in the report of the committee and in the evidence which they took. There are only one or two statements to which I desire to call attention. Col. Carroll D. Wright, who had charge of the Census Bureau for some years after the census of 1890, estimated that leaving those appointments as it is now proposed to leave them cost the Government \$2,000,000 and more than a year's time; that if they could have been taken in the ordinary way, there would have been a saving of two years' time in the production of the census and of \$2,000,000 to the Government. Colonel Wright says:

I do not hesitate to say one-third of the amount expended under my own administration was absolutely wasted, and wasted principally on account of the fact that the office was not under civil-service rules. * * * In October, 1893, when I took charge of the Census Office, there was an office force of 1,092. There had been a constant reduction for many months and this was kept up without cessation till the close of the census. There was never a month after October, 1893, that the clerical force reached the number then in office; nevertheless, while these general reductions were being made, and in the absence of any necessity for the increase of the force, 389 new appointments were made.

When that force was being reduced day by day and month by month, there were forced in 389 new appointments, compelling the Director of the Census to get rid of that number of clerks who had had the experience of that census, and who had originally been appointed on the same system. They could not even hold their wretched places through one census, but they had to be turned out to gratify some other persons.

Mr. Robert P. Porter, who was the Director of the Census for 1890, wrote on February 19, 1908, as follows:

The efficiency of the decennial census would be greatly improved and its cost materially lessened if it were provided that the employees should be selected in accordance with the terms of the civil-service law.

There is the evidence of two Directors of the Census.

Doctor Billings, one of the most eminent physicians, statisticians, and writers on medical topics and on public hygiene in the country, who was in charge of the division of vital statistics of the Eleventh Census, says:

The whole of my work in the census has been done in the face of great obstacles, owing to repeated changes of clerks for political reasons, etc., and I am tired of struggling with the most unpropitious circumstances that have surrounded the work.

And the present director begs to be relieved from what it is proposed to put upon him.

Mr. RAYNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. Certainly.

Mr. RAYNER. He says he is tired of struggling with it. I beg the Senator's pardon, but I think he will find that Doctor Billings says:

I am tired of struggling with the most unpropitious circumstances.

Mr. LODGE. Is that what Doctor Billings said?

Mr. RAYNER. Yes.

Mr. LODGE. I see. He says:

I am tired of struggling with the most unpropitious circumstances that have surrounded the work.

The testimony is overwhelming from everybody who is best fitted to express an opinion that selecting clerks in this way adds enormously to the expense of taking the census. There is evidence here from Henry T. Newcomb, chief of the division of agriculture in the Census Office, who said:

It was far easier, in my own experience, to obtain a score of additional clerks at an annual cost of from \$14,000 to \$24,000 than to secure an expenditure of \$1,000 for supplies which would save the labor of 20 clerks.

There is no question, Mr. President, that if appointments are made as provided in this bill, it will add enormously to the expense. The work will be delayed, but it will be done well in the end, because most of it will be done over by competent persons and by the permanent force.

It is poor administrative policy to put appointments in the hands of Members of the House and of Senators, to give them the power to make appointments with no responsibility, and place upon the men whom we charge with the work all the responsibility with no power over the instruments which they are forced to take into their hands, because, if they undertake to remove for inefficiency a clerk who has come in there by personal influence of a Senator or a Member of the House, they will be forced, out of mere weariness if nothing else, to retain the inefficient clerk, so much pressure will be put upon them to do it. They have the responsibility and we have the power.

Mr. President, that is not a good principle of administration. Under the classified service, if a clerk is inefficient he can be removed. Under this bill, if it shall become a law, he can be removed theoretically, but as his appointment rests not on his efficiency but on his influence, practically the power of removal is taken from the director, or is so diminished as to be of little avail in maintaining discipline.

Mr. SCOTT. Will the Senator let me ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. Certainly.

Mr. SCOTT. Would not the members of the House and of the Senate be importuned by clerks selected under the rules of the Civil Service Commission who were dismissed for incompetency on charges being preferred against them the same as if they were chosen by noncompetitive examination?

Mr. LODGE. By no means, Mr. President. The whole departmental service now, and all the time, is under the civil service. Occasionally there is a case where a man or a woman who has been a clerk and been dismissed comes and asks our interference. They are very few indeed, comparatively speaking. But when the position of the clerks rests wholly on influence and not in the least on efficiency, they are bound to rest their case for retention on the thing which has put them there. In the one case it is their efficiency that puts them there and holds them there, while in the other case it is their influence that puts them there and holds them there. In the one case they will make an effort, at least, that the efficiency which has brought them there shall maintain them there; in the other case, they will do the same thing—they will use the influence that has brought them there to keep them in the place.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. I do, with pleasure.

Mr. BURKETT. I am not combating the Senator's suggestion as to the advisability of having examinations to originate

appointments, but I want to ask him as to the practicability of the proposition he has suggested of clerks under the civil service being dismissed for incompetency?

Mr. LODGE. That can be done.

Mr. BURKETT. I should like to ask the Senator if he knows of any instance where any clerk in the service anywhere ever has been dismissed for incompetency?

Mr. LODGE. I have known of some, because they came to me and asked to be restored, but I think that I have known of comparatively few in my own experience.

Mr. BURKETT. Perhaps those who come from the State I represent in part have not been incompetent—

Mr. LODGE. The chances are that most of them are competent.

Mr. BURKETT. But I heard the head of a department, in a hearing before the Committee on Appropriations, say that 20 per cent of the clerks in his department were incompetent, and yet he had not removed them.

Mr. LODGE. There is nothing to prevent him doing so. I should like to know whether the incompetent ones came in under the present system or whether they are the ones left over from the old system who are superannuated.

Mr. BURKETT. They are all in the civil service, I will say to the Senator.

Mr. LODGE. But there are a great many in the civil service who were covered in by law who never came in under civil-service regulations. Also it is to be remembered that under our system men and women are kept there after they have become pretty old and pretty infirm. We have had investigations as to that, as the Senator knows.

Mr. BURKETT. The only point I was directing my interrogatory to was as to the practicability of the suggestion the Senator made that incompetent people could be removed.

Mr. LODGE. There is not any doubt of that.

Mr. BURKETT. My experience, not only in Washington, but elsewhere, is that under the system as it exists it is impossible to remove an incompetent clerk. If the Senator can find any way to do it, I should be glad to have him inform some of the departments of it.

Mr. LODGE. There is a letter here from the Civil Service Commission which covers that precise point.

Mr. SCOTT. Will the Senator allow me a moment while he is looking for the letter?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. I will if the Senator wants to ask me a question.

Mr. SCOTT. I wanted to say, in line with what was stated by the Senator from Nebraska [Mr. BURKETT], that when I was Commissioner of Internal Revenue and the Dingley law was passed it put upon me the duty of appointing hundreds of clerks. Those clerks were, at my request, recommended by Members of the House of Representatives and members of the Senate. I have been told only recently that those clerks, since they have been put under the classified service, have been a model lot of clerks; have done their work splendidly, much better than the clerks who came in after examination and certification by the Civil Service Commission. I believe that if a Senator or a Member of the House is put upon his honor to name the proper persons for these census appointments the Director of the Census will be likely to get a better class of clerks than he will get by making application to the Civil Service Commission or even by examination.

Mr. LODGE. Mr. President, my experience in the matter of appointments has been slight, and that of the Senator from West Virginia, who was at the head of a large executive bureau, has been great; but I have seen the process in the employment of clerks of the immigration commission, who were appointed by recommendation. I am sure we could have gotten a better force from the eligible list, and I am perfectly certain, from the instances that I have seen, that clerks were recommended for employment under that commission without any fitness at all for the place, but from importunity or from personal interest. There was no improper motive whatever, but it was done because the men who urged the appointments had no responsibility. That is the trouble. A Member of the House or a Senator recommends a poor clerk, and the work is bad. The responsibility does not fall upon him. The responsibility falls upon the head of the office and is paid for by the people of the United States. That is the general expression of opinion. We have got to rest on that.

Mr. McCUMBER. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. Certainly.

Mr. McCUMBER. Is it not a fact that at the last census examination was had, and, while it was a noncompetitive examination, were not the questions such as to elicit information as to the capability of any person taking that examination? Was there not another requirement in that examination that such persons should have a certain standing in order to pass? If such standard was sufficient, what objection, then, could there be to that system of having a noncompetitive examination, providing the examination brought out only efficient persons?

Mr. LODGE. Because the examination provided under the last census was like the examination to be provided by this bill. It was totally worthless. It did not produce any effect. I will read what Mr. Wines says.

Mr. McCUMBER. I do not know what effect it did produce, but I have gone over the questions that were propounded and the character of examination, and I am absolutely certain that anyone who passed that examination was capable and able to fulfill the duties of the office.

Mr. LODGE. If they passed on the examination papers the Senator has seen, I have no doubt they were capable; but I will reply to that. I am very glad the Senator brought it out.

Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I should like first to answer the Senator from North Dakota.

Mr. McCUMBER. I could hardly assume that the officer examining would report improperly.

Mr. LODGE. If the Senator will allow me, I will tell him just what was done. I read from the letter of Mr. Wines, who is a well-known statistician, and who was at one time Assistant Director of the Census. He says:

The bureau conducted its own examinations.

That is what is proposed here—

I am free to admit that the result was unsatisfactory, for the following among other reasons:

Mr. LONG. Mr. President—

Mr. LODGE. If the Senator will excuse me, I desire to get this in:

(1) The examinations held were not free to the public. The permission of the director was an essential prerequisite to admission to them, and the obtaining of such permission was a matter of personal favor, depending upon "influence."

(2) In making selections from the list of those who passed the examination, no attention whatever was paid to their comparative rating. It was a "pass" examination pure and simple, and a rating of 75, with proper political or other indorsement, was sufficient to secure an appointment, where a rating of 100 would count for nothing without it.

(3) There were numerous instances in which an unsuccessful applicant was granted a second, third, or fourth trial, at the request of some Senator or Representative; and, to the best of my knowledge and belief, it occasionally happened that the rating made by the examiner upon the papers filed was arbitrarily changed after they left his custody.

(4) The general method of appointment may be described as follows: A mathematical scale was worked out by which the number of "assignments" to each Senator and Representative was determined in advance, so many appointments to a Senator, a smaller number to a Representative, half as many to a Democrat as a Republican, and in Democratic States and congressional districts the assignments were made to the Republican state and district committees.

That is no matter. But if the Senator did me the honor to listen to the first three statements read, he will see why the examination paper, no matter what it was like, amounted to nothing.

Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. Certainly; I yield to the Senator from Kansas.

Mr. LONG. The Senator is referring to the last census. I call his attention to the fact that under the bill reported by the committee the examination will be conducted by the Civil Service Commission.

Mr. LODGE. Mr. President, so long as the power rests with the director; so long as the examination is noncompetitive; so long as all that is needed is a "pass," we shall have the ratings of the Civil Service Commission changed just as the ratings of the Census Bureau's own board were changed.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I do, with pleasure.

Mr. CURTIS. I understand that ten years ago Members of Congress were notified that they had so many men to appoint; that they might send in so many names, and of the number that passed so many would be appointed, those who passed highest being given the preference.

Mr. LODGE. That was not the case. Excuse me; I did not mean to contradict abruptly. That is not the way it worked in practice.

Mr. CURTIS. That is the plan that was followed or that is what was done in our State. I want to say that the appointees from the district I then had the honor to represent in the other House were men of the highest character, many of them school-teachers, who filled their places well. I think the statement of the Senator from Massachusetts does the men and women appointed from Kansas very great injustice.

Mr. LODGE. Mr. President, I am making no accusations, for I know nothing whatever about what was done. I am not the head of the census. I am merely quoting heads of the census who were responsible for the work.

Mr. CURTIS. Let me ask the Senator if he believes that there is a Senator on this floor who would ask a department to hold in office an incompetent clerk?

Mr. LODGE. I am afraid, Mr. President, since the Senator asks me that question, that we have all of us in both Houses done it a great many times. [Laughter.]

Mr. CURTIS. I would like to have it stated in the RECORD that, so far as I am concerned, I have said to the Director of the Census and to other executive officers that if I recommended any person who proved to be incompetent I wanted him discharged. I would not ask to have such a person retained in the service. I think that is the principle that should be followed by every Senator upon this floor.

Mr. LODGE. Mr. President, the Senator from Kansas has been extremely fortunate if he has never recommended in good faith or urged in good faith the retention of a clerk appointed in that way whose superior officer thought incompetent. I think it is a good fortune that has not befallen many of us in our experience. My experience is that the clerks who seek influence are more or less incompetent. I think it is very seldom that the good clerks—the many who rise steadily through the grades—trouble a Representative or a Senator at all.

Mr. President, I have occupied the floor much longer than I intended. I make no charges against the work of the clerks, for personally I know nothing about it. I was not charged with the direction of the census; but all the men connected with that census—I mean men in authority, such as Mr. Porter, Colonel Wright, Mr. Wines, Mr. Newcomb, and Doctor Billings, all men of the highest standing—claim that it was expensive; that it was wasteful; that the work was bad; that the work was delayed; and that it was owing to the fact that they were obliged to take clerks who were not picked out by a proper system, but who were picked out on the personal recommendation, no doubt, in almost all cases sincere, of gentlemen who are not responsible for the work.

The number of banking houses or railroad companies or any other great businesses who take men simply because a Representative or a Senator recommends them is few. They demand in the first place the best of recommendations; they examine the man's record; and then they require him to come up to the standard. But they can defy a man who makes a recommendation or whose favorite or friend is removed. The Director of the Census and these other officers who are dependent on Congress for their appropriations and dependent upon Congress for being able to carry along their work at all are unable to do that.

Mr. President, I think it is a burden we ought not to put on the Director of the Census. I take him merely because this is the case in hand. I do not think we ought to put on any public officer a burden of this kind. His desire is to make the best possible census, and his time will be largely consumed in the endless questions of disposing of this patronage—persons begging him to appoint an applicant, trying to get another examination for somebody who has failed, pressure of all kinds. We are all familiar with it; we all know what it is; and it consumes his time and will consume his time for months and weeks—that and the correspondence—time which he ought to be enabled to give to the duties of his important place.

Mr. RAYNER. Mr. President, I am decidedly in favor of this amendment, and I hope it will be adopted. It is a step forward in the line of good government, in my judgment. The bill is a retreat. This is an advance. It takes a list of important places out of the arena of politics and puts them where they ought to be—upon the level of merit.

I want to add one or two extracts, and perhaps I will repeat something to which the Senator from Massachusetts referred. I want to take this statement of Mr. Wines. The Senator from Massachusetts, I think, has already quoted it.

Mr. LODGE. I quoted a portion of it.

Mr. RAYNER. He says:

In making selections from the list of those who passed the examinations, no attention whatever was paid to their comparative rating. It was a "pass" examination pure and simple.

Take that in connection with his other statement:

A rating of 75, with proper political or other indorsement, was sufficient to secure an appointment, where a rating of 100 would count for nothing without it.

I want to add a statement made by Mr. Robert P. Porter, superintendent of the Eleventh Census:

Why transfer the census office at the busiest season into an examination department for clerks and a director of a vast scientific investigation into a dispenser of political patronage?

What does this noncompetitive examination mean? It simply means, when analyzed, that there are 483 Senators and Representatives in Congress, and that these 3,000 offices, or whatever the number may be, are to be substantially distributed among them. If they were equally distributed, each member would get about six places; but as the dominant party will control the appointments, the minority may be well satisfied if each member gets one place or less than that for his constituents.

Let us look at it practically. There will be any number of applicants for these places. What is the result? The overwhelming portion of them will be disappointed. You can not tell me that we will look around and procure the best-qualified persons for these places. The chances are that the best-qualified persons may not, as is often the case, possess the political influence that will enable them to secure the help of their Representatives.

We might as well tell the truth about the situation. If every member of Congress would conduct an examination, as is often the case with the cadetships at the Military or Naval Academy, the result might be different. But you know, and I know, that with the urgent demands that will be made upon us we will hasten the appointment of the few that we have selected, in order to escape the importunities of those equally deserving and perhaps of greater merit who will stand no chance whatever in the lottery of distribution. This is not right, and we can not make it right. A competitive examination is fair to everyone. Honestly conducted, as it should be, no one will have ground for complaint or criticism.

Mr. President, I have not extreme views upon this subject. I do not think that the civil-service system is of divine origin, nor do I believe that every civil-service reformer is necessarily inspired. Most of them are men of the highest standing and character in the various communities in which they reside, but I know some of them, quite eminent in their calling, who are only human. In fact, upon a close and critical examination, I have come to the conclusion that civil-service reformers were created in just the same way that other people were created, notwithstanding any protestations to the contrary. I am inclined to think that they came into existence with other mortals in the last period of the earth's development, and that in the plan of the universe there was no special day set apart for their isolation from the rest of mankind. You take the Civil Service Commissioners, a body of highly respectable and estimable gentlemen. I find upon a close analysis that they have traits and even peculiarities in common with the balance of humanity. For instance, they walk and talk and sleep and absorb the ordinary sustenance and nourishment that are necessary to keep animal life from being in a state of absolute suspension. Even the President of the United States, who was once upon a time the most eminent civil-service reformer of his generation, has never permitted that great system to stand between himself and his friends; and I believe to-day that, with all the sublime and exalted virtues that the President possesses, if this amendment were to pass and the editor of the New York Sun or the New York World or the Indianapolis News was to apply for a place in the Census Bureau, they would not, if left to their choice, select the President to pass upon their examination papers.

In citing these instances I merely want to emphasize the fact that in supporting this amendment I am not led away by any fantastic views in regard to the entire purification of our political surroundings through civil-service channels. On the other hand, I admire the men who, like the senior Senator from Massachusetts, have at all times advocated this system from patriotic motives, because they have conceived it to be in the interest of public progress and political morality and good government. But I have never reached the height that I could look down with lofty disdain and contempt upon the men who think otherwise, and charge them upon every occasion when they are opposing a movement of this sort with an attempt to lower and degrade the public service of the country. There are

plenty of high-minded and honorable men in Congress who believe that they can furnish occupants for every vacant office in the United States just as well qualified as any that can be selected under the strictest examinations that can be had for that purpose, and who really consider that an entire change of office, with a change of political parties, would inure to the benefit of the country. I do not agree with them, but I am entirely tolerant of their convictions upon the subject.

While, therefore, I am not a fanatic upon this subject and believe that the system in its construction, and especially in its execution, is full of defects and imperfections, I will nevertheless take it in preference to any plan that will keep the public service of the country in a continual state of commotion and turbulence and absolutely unfit it to perform the functions for which it was designed.

I am, therefore, in favor of this amendment, because I believe in the civil-service system. It would amount to political anarchy to again hang up in the departments the motto, "To the victors belong the spoils." In my opinion, we will never return to this condition of barbarism. I can conceive, with great respect for the opinion of those who differ with me, of no greater calamity that could befall our institutions than this. Such a system now, with the vast amount of offices that exist, would turn our cabinet officers and the heads of our departments into dispensers of public patronage; would seriously interfere with them in the performance of their public duties; would turn Members of Congress into a clan of political barons, each with a retinue of attendants who would hold under him by tenure of political service; would divert us from the performance of duties assigned to us by the Constitution and the laws; would virtually disfranchise from holding office every intelligent and honorable citizen who has not the advantage of political influence; and would degrade the public service of the country and convert its departments into a battlefield, with their offices, not as trusts to be administered in the interest of the people, but as trophies to be captured from a vanquished enemy.

With a full perception, therefore, of the imperfections of the civil-service system, both as constituted and executed, it has so far the advantage of the system embodied in this bill that I shall, whenever and wherever the contest occurs, vote in favor of giving every honest and well-qualified citizen of this Republic the right to enter the lists and, without fear or favoritism or political influence, submit his qualifications to the test, so that his qualifications alone shall be his only credentials and the only legitimate passport to public office in this country.

Mr. CLAPP. I offer a substitute for the amendment of the Senator from Massachusetts, and ask that it be read.

The VICE-PRESIDENT. The Senator from Minnesota proposes a substitute for the amendment of the Senator from Massachusetts. The substitute will be stated.

The SECRETARY. In line 20, page 4, section 7, it is proposed to strike out "non."

Mr. CLAPP. Mr. President, I do not want to take the time of the Senate. I simply wish to call attention to the fact that every argument which was made in favor of the amendment of the Senator from Massachusetts, it seems to me, is in favor of the substitute. The effect of the substitute would be to put the appointments in the classified service, whereas the amendment would except a very large number.

I do not myself believe that the civil service has reached perfection, or anything near it. It may be improved in many ways; it has its weak spots; but we have started along that line and I do believe we ought not now to take any backward step.

The VICE-PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from Minnesota for the amendment of the Senator from Massachusetts.

The substitute was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. On that I ask for the yeas and nays.

Mr. McCUMBER. Mr. President, I desire to say a word before we have a vote on the amendment.

I am not at all particular how this question goes, so far as I am personally concerned. I would rather escape having any appointments thrown on my hands. I have no desire whatever to make appointments from my State, but when the Senator from Massachusetts indicates that under the bill, as it now reads, we will make most of our appointments from the city of Washington, whereas under the civil service they would be made from our homes, he makes a statement that I hardly believe comports with the facts in the case and with our experience of the civil service. I believe that under the system very few appointments would really come from the States. I

believe, under the system which the Senator desires, three-fourths of them would not come from the States which would be entitled to have recognition with respect to those appointments.

As the appointments were made ten years ago, if I had 4 persons to recommend, those persons had to take an examination, and they had to be examined thoroughly, and if their examination was not correct or thorough it was the fault of the office and not of the system. Under the present bill the examinations will be made by the Civil Service Commission. I have no reason to believe that that examination will not be honestly conducted, and if it is honestly conducted then no one who is recommended will be incompetent for that particular place.

There is another weakness in the civil service which I may mention, and that is that it does not reach the worthy person as often possibly as some other system would. For instance, here is a young boy who may have a sick mother or a widowed mother to look after. One's heart naturally goes out to him. He may pass an examination and attain a percentage of 83½, and somebody whose grandfather lived in your State, but who himself is living in the city of Washington, while claiming he is still a resident of your State, may take the examination and stand one-quarter better and get appointed; and there may be 4 or 5 or 6 members of that family in government employ at the present time. I would recommend the boy most worthy of the place, and if he stood the examination he would get it. I believe that is superior to the civil service in the way it works to-day.

I want any Senator to look over the people who are charged to his State to-day under this beautiful civil-service system and see how many are actual residents of that State. I remember when I first came here I was shown a list of those who had been certified from my own State. I found among those a gentleman with whom I talked. He said that his son-in-law at one time took up a claim in my State, but had left it many years ago, and he had passed through there, but had never lived there again in his life. And yet he was certified as from my State, because a man can have his residence in his own mind rather than where he actually resides. Take a man who came from Maine thirty years ago. He calls Maine his residence, and his children and grandchildren and great-grandchildren, although they may only have visited Maine once or twice, still claim to be residents of the State of Maine, and they take the examination, and although four-fifths of such persons are residents of the city of Washington, they are appointed, while you have plenty of worthy persons in that State who can not get certified because there are ten to one right here in the city of Washington who are being certified day after day.

Under this system, while one actual resident of my State may take the examination, it will be taken by ten residents of the city of Washington, claiming to be residents of that State. I would have one as against the ten to secure a position. The weakness of the whole system is that we are building an official aristocracy here in the city, a great organization of people who simply hold official positions and are absolutely unfit for any other purpose, and we are paying them from twice to three times as much as for the same service they would receive in our own States; and when we ask for any other position for the State the Civil Service Commission says the State has all it is entitled to, although not one out of ten who are certified as belonging to that State are actual residents of it.

I believe in the civil service; I believe in the examination of people for every official position and departmental place, but I do not believe in this system of selecting them all from the city, as is proposed in this bill after you knock out the noncompetitive examination, because it will then provide that anyone having had any service may be selected by the director, and as at a time when there was great pressure for employees we got some two or three thousand from the city, those would have the first opportunity to make application and say they have had the experience, and they would be selected under your bill and under your civil-service provisions.

I believe we ought to modify our civil-service law so as to require every person who is certified from a State to take his or her examination in that State and to show that he or she has had an actual domicile in that State for at least one year. Then the civil service at least would be more respectable in the eyes of most persons. Everyone knows as well as the Senate knows that we are not getting a just distribution among the several States, and I believe, with the provisions that are in this bill for a proper examination by the Civil Service Commission, that no one can say that the office will be under the spoils-of-office system.

Mr. LONG obtained the floor.

Mr. DOLLIVER. I should like to ask a question or two of the chairman of the committee. Is the committee informed as

to the number of employees now on the permanent roll of the Census Bureau?

Mr. LONG. I do not know as to the exact number now. There will be about thirty-five hundred necessary for clerical positions for the taking of the next census.

Mr. DOLLIVER. How long will it be necessary to employ this extra force?

Mr. LONG. Not longer than two years.

Mr. DOLLIVER. What will become of those who are appointed?

Mr. LONG. They will retire to private life at the end of their employment if not eligible by reason of their service for appointment in the permanent service.

Mr. DOLLIVER. If they are selected from the civil-service lists of eligible candidates, what will become of them when the work ceases?

Mr. LONG. I presume they would desire to be retained in the service.

Mr. DOLLIVER. Would the service be called on to absorb the extra 3,500 persons, regardless of whether the Government had anything for them to do or not?

Mr. LONG. I do not know what the service would be called upon to do. Undoubtedly there would be a great desire on the part of those employees to be retained in the service.

Mr. DOLLIVER. Is the chairman sufficiently familiar with the way those things are done to be able to state whether there is any record of anybody who went into the service through the regular civil-service examination ever having disappeared from it on account of the want of something for him to do?

Mr. LONG. If there is such a record, I do not know of it.

Mr. CLAPP. I should like to call the attention of the chairman of the committee to what is probably an inadvertence. In line 17, page 5, there is a provision with respect to the expiration of employment. That provision takes out of the civil service not only those who may have been appointed from outside the service for this work, but, as I read it, it takes out of the civil service those who are in the civil service and are transferred to this work. Am I correct about that?

Mr. LONG. Those from the permanent census will be returned at the end of the decennial census period.

Mr. CLAPP. It says:

That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this act shall terminate.

Mr. LONG. In line 8, if the Senator will notice, it says:

And at the end of such service the employees so transferred shall be eligible to appointment to positions of similar grade in any department without examination.

Mr. CLAPP. The Senator is correct. I overlooked that clause.

Mr. LONG. Mr. President, I do not desire to protract the debate, because it is my desire to secure the passage of the bill before adjournment this evening, if possible; but I wish to say in addition to what has been said by the Senator from North Dakota [Mr. McCUMBER], a member of the committee, that this is a temporary force to perform emergency work. It is so recognized even by those who seek to change the provisions of this bill. The law applicable to the civil service and to general appointments in the departments is inapplicable to this service, as is recognized by the Senator from Massachusetts, who presents this amendment. First, the law of apportionment is abrogated by this bill, and to that no objection is made by the Senator from Massachusetts. Second, the director may, in his discretion, take the records of those who have had service in the Census Office in lieu of any examination, and no objection is made to that provision.

The Senator says that there will be inefficient work; that it will have to be done over by those in the permanent Census Office. If there is work of that kind, if incompetent persons get appointments under the provisions of this bill, it will be the fault of the Civil Service Commission.

It is not necessary in this connection to advert to what has been done in previous censuses, where the examinations were conducted by the Director of the Census. This bill provides that the forthcoming examination is to be conducted under the Civil Service Commission, and an eligible list will be created of those who, under the certificate of the Civil Service Commission, are found by that commission to be competent, and only those whom that commission find to be competent are eligible to appointment by the Director of the Census. So if incompetent persons find their way into the Census Office under this provision, as reported, it will be the fault of the Civil Service Commission, which conducts the examination.

As I understand this provision, the examination will be open to all. The qualifications will be prescribed by the Director of the Census, but the examination will be conducted by the Civil Service Commission, and an eligible list created of competent

persons for appointment. Then, if the Director of the Census in selecting persons from that eligible list wishes to call to his assistance the Senator from Massachusetts or the Senator from Maryland, I think he should not be censured for endeavoring to procure information in addition to what might be disclosed by the grade of those who have passed the examination.

Mr. LODGE. The Senator will allow me to say, on the point about the Civil Service Commission conducting the examination, no fault has been found with the examination papers furnished. Their conducting the examination amounts to nothing, because their grading is wholly disregarded. Their grading counts for nothing. If a man passes it at a hundred, it does not do any good.

Mr. LONG. I understand, and it was the understanding of the committee and the understanding of the Director of the Census, that only persons who have passed a certain required examination and who possess the qualifications prescribed by the Director of the Census shall be appointed.

Mr. LODGE. Who is going to fix what shall constitute the qualifications?

Mr. LONG. The Director of the Census prescribes the examination, but the Civil Service Commission says whether or not persons have passed that examination, and if they have not passed it they can not be appointed. If they have passed it, they are qualified under the judgment and intent of the Civil Service Commission.

Mr. du PONT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Delaware?

Mr. LONG. Certainly.

Mr. du PONT. I should like to ask the Senator from Kansas if there is any provision in the bill by which those who pass to the highest places on the eligible list shall have the preference of appointment.

Mr. LODGE. No.

Mr. LONG. There is no such provision. Those who have passed the examination are eligible to appointment.

Mr. LODGE. The man who goes in from the outside and passes at 95 and has no political support does not get the appointment. The man who passes at 70 or 75, whatever grade is fixed, and has a recommendation passes. That is the practical test. We all know it.

Mr. SCOTT. The Senator from Massachusetts was certainly more successful then, ten years ago, than my colleague and myself. There was a captain who went out in the volunteer service to the Philippine Islands and took the examination at the first opportunity, and they allowed him 5 per cent because of his military service. He passed at 68, and I went to the office repeatedly, and so did my colleague, and we could not get the man in because he had not come up to 70 per cent. Somebody had better luck than we had.

Mr. LONG. Mr. President, I ask for a vote on the amendment of the Senator from Massachusetts.

Mr. BACON. I should like to ask the Senator from Massachusetts a question, with the permission of the Senator from Kansas.

Mr. LONG. Certainly.

Mr. BACON. It is whether his amendment makes any provision as to the tenure of office under the appointment through a civil-service examination?

Mr. LODGE. The tenure is all carefully provided for, so that no fault is to be found with the arrangement.

Mr. BACON. I am speaking so far as adaptation to being put in the classified service is concerned.

Mr. LODGE. No, Mr. President; I do not confer anything on them at all. They are left under the same provisions of the bill, which are perfectly good as far as the tenure goes. The provisions of the bill in regard to tenure are entirely good.

Mr. BACON. I will state the point in my mind; I may not have given the matter proper examination. We know of course what are the provisions of the general civil-service law as to tenure of office. In the Census Office the services are irregular. The clerks in the Agricultural Department or in the Post-Office Department are going to have continuous service and consequently they have a certain tenure of office, but in the Census Office it is different. A large force is going to be needed for a short time, a less force for a longer time, and a still less force will be needed permanently.

Mr. LODGE. That is quite true.

Mr. BACON. Now, does the civil-service classification, which the Senator's amendment contemplates, make provision for these differences in terms under the civil-service law?

Mr. LODGE. No, Mr. President; that is all provided for in the bill as it stands. The bill ends the appointment of these

persons at a certain time, but I understand it makes them all eligible for transfer.

Mr. BACON. It makes them all eligible for transfer?

Mr. LODGE. Yes.

Mr. BACON. Into the regular civil service?

Mr. LODGE. Yes; as I understand it.

Mr. LONG. No; only those who have had service in other departments in the classified service. It applies only to those who have been transferred from other departments.

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. LONG. Certainly.

Mr. DIXON. I should like to ask a question for information. Under the proposed bill, as reported by the committee, will the Civil Service Commission hold examinations in the different States, to be thrown open to everyone?

Mr. LONG. That is my understanding of the provisions of the bill.

Mr. DIXON. Then it depends upon the Representative and Senator to designate from the list of those who have passed?

Mr. LONG. It depends on the director.

Mr. DIXON. In other words, that is side stepping.

Mr. LONG. The Director of the Census makes the appointment from the eligible list.

Mr. DIXON. From those who have passed at 75 and above?

Mr. LONG. On the examination which he has prescribed and which the Civil Service Commission has conducted.

Mr. DIXON. So every person in a State can take the examination held by the Civil Service Commission?

Mr. LONG. Certainly.

Mr. DOLLIVER. Is it dealing in good faith with the public to say that everyone is eligible to take the examination when, in point of fact, only those are to be selected who are agreeable to certain Congressmen?

Mr. LONG. Only those will be selected whom the Director of the Census finds competent and selects.

Mr. DIXON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield further to the Senator from Montana?

Mr. LONG. With pleasure.

Mr. DIXON. I should like to remark that while some of us from the Far West have very little in the shape of patronage, if the bill contemplates an invitation to every man and every woman in my State to take the examination and get 100 people on the eligible list and then throw on Representatives and Senators the responsibility of taking four or five from the hundred candidates, I think we would be far better off to put it under the civil service straight.

Mr. LONG. The responsibility is on the Director of the Census.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Wyoming?

Mr. LONG. Certainly.

Mr. CLARK of Wyoming. The chairman of the committee, in answer to a question from the Senator from Montana, said the examinations were to be conducted in the various States. I understood that to be his reply. What portion of the bill does the Senator refer to in making that statement? The portion under consideration simply says the examination shall be conducted under the direction of the Civil Service Commission.

Mr. LONG. That is true. It was inserted because the Civil Service Commission has the machinery extending throughout the different States for conducting the examinations and the Director of the Census has no such machinery.

Mr. CLARK of Wyoming. The examination is to be conducted in the various States, if that plan suits the convenience of the Civil Service Commission; otherwise it will be conducted here at the office?

Mr. LONG. Yes; if it is prescribed by the Director of the Census; but there is little doubt that it will be held throughout the country at large.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. LONG. Certainly.

Mr. FULTON. There is a question I should like to have answered. I understand that under the provisions of the bill as framed by the committee the tenure of office of those who shall be appointed to this service will cease at a fixed time; how will it be if the amendment of the Senator from Massachusetts shall be adopted placing certain persons within the civil service proper? Their tenure of office then would not cease under this act. It would depend entirely upon the general civil-service law.

Would they not go on the eligible list, and would they not be entitled to a transfer?

Mr. LONG. The question would be as to whether the general civil-service law would obtain or whether this provision would control.

Mr. FULTON. I understand that where one has entered the civil service and received an assignment and for any reason his service terminates, not because of incompetency, but if the position is abolished, for instance, he is qualified for a transfer to any other place.

Mr. LONG. Eligible to appointment inside of a year.

Mr. FULTON. If we place this under the civil service, as proposed by the Senator from Massachusetts, will not that be the position occupied by all those persons so placed under the civil service? Will they not be eligible to appointment and transfer?

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. LONG. Certainly.

Mr. CLAPP. If I understood the Senator's inquiry, striking out the word "non" would not affect the subsequent provision, which terminates the office. The work is to terminate on the taking of the census, and they would go out just the same as though they were selected under the plan provided for in the bill.

Mr. LONG. That is the provision of the bill. The question is whether it would control or whether the general law relating to the civil service would control.

Mr. CLAPP. This does not place them directly under any general law. It simply says that they shall be selected upon a competitive examination.

Mr. FULTON. Suppose the amendment of the Senator from Massachusetts be adopted, what will be the difference?

Mr. CLAPP. There will not be any difference.

Mr. FULTON. The men hold their relation to the civil service and get their rating. Will their position be the same then as the others who are provided for under the bill as it is?

Mr. CLAPP. As to striking out the word "non," I think, if the Senator will take the bill and examine it, he will be satisfied that it would not change or affect the tenure of office; and that is what the Senator is getting at.

Mr. FULTON. It is not. I want to understand what would be the effect of the amendment proposed by the Senator from Massachusetts on the status of the people embraced within the terms of the proposed amendment at the conclusion of this particular service.

Mr. CLAPP. That relates to the tenure. It would terminate at the end of the service, under the provisions of page 5 of the bill.

Mr. WARNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. LONG. Certainly.

Mr. WARNER. I wish to understand the amendment of the Senator from Massachusetts. I understand that if the amendment of the Senator from Massachusetts is adopted, it is true that the tenure of office will cease at the time mentioned, but would not the parties who had passed the civil-service examination still remain in the classified service?

Mr. LODGE. No; the Senator is entirely mistaken.

Mr. CLAPP. They are not placed in the classified service under the bill.

Mr. WARNER. I know they are not placed there expressly by the terms of the bill.

Mr. LODGE. They go back to the eligible list.

Mr. WARNER. The very fact that they take the civil-service examination under the law makes them eligible for appointment.

Mr. LODGE. If they pass the civil-service examination and go on the eligible list, of course they return to the eligible list.

Mr. WARNER. They can not be appointed unless they are on the eligible list?

Mr. LODGE. Certainly not.

Mr. WARNER. And they are not taken off?

Mr. LODGE. The object of the bill as it stands is to get people appointed who are not on the eligible list.

Mr. WARNER. The object of the amendment of the Senator from Massachusetts is to get men appointed who are on the eligible list.

Mr. LODGE. Who are or will be there.

Mr. WARNER. Who will be there.

Mr. LODGE. I do not know what special eligible list it will be, but it will be a list of men who passed the regular civil-service examination.

Mr. WARNER. The suggestion, to my mind, is that when they are upon the eligible list the tenure of their employment terminates at the end of three years and they will remain on the eligible list for one year thereafter, eligible to appointment. I can see no other construction.

Mr. LODGE. Undoubtedly.

Mr. LONG. I ask for a vote.

Mr. CLAPP. Mr. President, just a moment. I think the Senator from Massachusetts is mistaken, because here is the express provision at the end of the section:

And such officers and employees shall not thereafter be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this act.

Mr. LODGE. I think the Senator is right.

Mr. CLAPP. There can not be any question about that.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts. Upon that question the Senator from Massachusetts demands the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. Let the amendment be read.

The SECRETARY. On page 4, line 19, after the word "employees," at the end of the line, insert "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen;" and in lines 20 and 21, strike out the word "non-competitive" and insert the word "competitive," so that as amended it will read:

That the additional clerks and other employees, except messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen, provided for in section 6 shall be subject to such competitive examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Massachusetts.

The Secretary proceeded to call the roll.

Mr. PILES (when Mr. ANKENY's name was called). I wish to announce the absence of my colleague [Mr. ANKENY] on account of illness at his home in the State of Washington.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the senior Senator from Indiana [Mr. BEVERIDGE] and vote. I vote "nay."

Mr. DANIEL (when his name was called). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH], and for that reason I do not vote. I would vote "nay" if he were here.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. For that reason I withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is absent. I transfer my pair to my colleague [Mr. BOURNE], who is also absent, and I vote "nay."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]. As he is not in the Senate, I withhold my vote.

Mr. WARREN (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY]. I will transfer that pair to the Senator from Colorado [Mr. GUGGENHEIM] and vote. I vote "nay."

The roll call was concluded.

Mr. SCOTT. I understand that if the senior Senator from Florida [Mr. TALIAFERRO] were here, he would vote "nay." As I would vote "nay," I will take the liberty of voting in his absence. I vote "nay."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from New Hampshire [Mr. GALLINGER], who is absent, and I vote "yea."

Mr. DANIEL. I transfer my pair with the Senator from North Dakota [Mr. HANSBROUGH] to the Senator from Arkansas [Mr. CLARKE], and I vote "nay."

The result was announced—yeas 15, nays 32, as follows:

YEAS—15.

Brown	Crane	Dolliver	Newlands
Burkett	Depew	du Pont	Rayner
Clapp	Dillingham	Kean	Richardson
Clay	Dixon	Lodge	

NAYS—32.

Aldrich	Foster	Kittredge	Piles
Bacon	Frye	Long	Scott
Burnham	Fulton	McCumber	Simmons
Clark, Wyo.	Gamble	McEnery	Stephenson
Cullom	Gary	Milton	Sutherland
Cummings	Hale	Nelson	Teller
Curtis	Hemenway	Overman	Warner
Daniel	Hopkins	Perkins	Warren

NOT VOTING—45.

Ankeny	Culberson	Johnston	Platt
Bailey	Davis	Knox	Smith, Md.
Bankhead	Dick	La Follette	Smith, Mich.
Beveridge	Elkins	McCreary	Smoot
Borah	Flint	McLaurin	Stone
Bourne	Foraker	Martin	Taliaferro
Brandegge	Frazier	Money	Taylor
Briggs	Gallinger	Nixon	Tillman
Bulkeley	Gore	Owen	Wetmore
Burrows	Guggenheim	Page	
Carter	Hansbrough	Paynter	
Clarke, Ark.	Heyburn	Penrose	

So Mr. LODGE's amendment was rejected.

Mr. BURKETT. I offer an amendment, on page 6, line 8, after the word "navy," which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. In section 8, page 6, line 8, after the word "navy," it is proposed to insert "and if under 18 years of age, whether ruptured, crippled, or deformed," so as to read:

The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, whether or not employer or employee, school attendance, literacy, and tenure of home and whether or not a survivor of the Union or Confederate Army or Navy; and if under eighteen years of age, whether ruptured, crippled, or deformed; etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 9, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 8, 1909.

APPRAISER OF MERCHANDISE.

John D. Pringle, of Pennsylvania, to be appraiser of merchandise in the district of Pittsburg, in the State of Pennsylvania, in place of Fred W. Edwards, resigned.

RECEIVERS OF PUBLIC MONEYS.

Robert H. Sims, of New Mexico, to be receiver of public moneys at Las Cruces, N. Mex., vice Henry D. Bowman, resigned.

William M. Enright, of Billings, Mont., to be receiver of public moneys at Billings, Mont., vice Chauncey C. Bever, resigned.

CONSUL-GENERAL.

William H. Robertson, of Virginia, now consul of class 8 at Gothenburg, to be consul-general of the United States of class 6 at Tangier, Morocco, vice Hoffman Phillip, promoted to be minister resident and consul-general to Abyssinia.

CONSULS.

James W. Johnson, of New York, now consul of class 9 at Puerto Cabello, to be consul of the United States of class 7 at Corinto, Nicaragua, to fill an original vacancy.

Herbert R. Wright, of Iowa, lately consul of class 9 at Utila, to be consul of the United States of class 9 at Puerto Cabello, Venezuela, vice James W. Johnson, nominated to be consul of class 7 at Corinto.

SECRETARY OF LEGATION.

Fred Morris Dearing, of Missouri, now second secretary of the legation at Peking, to be secretary of the legation of the United States at Habana, Cuba, vice Charles S. Wilson, promoted to be secretary of the legation at Buenos Aires.

SECRETARIES OF EMBASSIES.

William K. Wallace, of Colorado, to be third secretary of the embassy of the United States at Tokyo, Japan, vice Leland Harrison, nominated to be second secretary of the legation at Peking.

Leland Harrison, of Illinois, now third secretary of the embassy at Tokyo, to be second secretary of the legation of the United States at Peking, China, vice Fred Morris Dearing, nominated to be secretary of the legation at Habana.

PROMOTIONS IN THE NAVY.

Commander James C. Gilmore to be a captain in the navy from the 7th day of January, 1909, vice Capt. Uriah R. Harris, promoted.

The following-named citizens to be second lieutenants in the United States Marine Corps from the 6th day of January, 1909, to fill vacancies existing in that grade on that date:

Wilbur Thing, a citizen of Maine;
 Edwin H. Brainard, a citizen of Connecticut;
 Alfred A. Cunningham, a citizen of Georgia;
 Alley D. Rorex, a citizen of Alabama;
 Samuel M. Harrington, a citizen of the District of Columbia;
 Harold L. Parsons, a citizen of New York;
 Chester L. Gawne, a citizen of New York;
 Dwight F. Smith, a citizen of Vermont;
 Thomas E. Thrasher, jr., a citizen of Texas;
 Ernest A. Perkins, a citizen of Michigan;
 Randolph T. Zane, a citizen of Pennsylvania;
 Clarence C. Riner, a citizen of Wyoming;
 Leon W. Hoyt, a citizen of Ohio;
 David S. Combes, a citizen of the District of Columbia;
 Julian C. Smith, a citizen of Maryland;
 Alfred McC. Robbins, a citizen of the District of Columbia;
 Charles J. Miller, a citizen of Wisconsin;
 Otto Becker, jr., a citizen of Missouri;
 Leander A. Clapp, a citizen of Massachusetts;
 William S. Harrison, U. S. Marine Corps;
 Robert W. Voeth, a citizen of Kansas;
 Thomas S. Clark, a citizen of New York;
 Clarence E. Nutting, a citizen of Massachusetts;
 Bernard L. Smith, a citizen of Virginia;
 Edward A. Blair, a citizen of Maryland;
 Edward M. Reno, a citizen of Pennsylvania;
 Joseph C. Fegan, a citizen of Texas;
 Adolph B. Miller, a citizen of the District of Columbia;
 Armor S. Hefley, a citizen of Indiana;
 Joseph D. Murray, U. S. Marine Corps;
 Woolman G. Emory, a citizen of Maryland;
 George H. Osterhout, jr., a citizen of Maine;
 William J. Platten, a citizen of Wisconsin;
 John Q. Adams, a citizen of Maryland;
 Francis T. Evans, a citizen of Ohio;
 Charles G. Sinclair, a citizen of Virginia;
 Allen E. Simon, a citizen of Pennsylvania;
 Samuel P. Budd, a citizen of Pennsylvania;
 Donald F. Duncan, a citizen of Missouri;
 Alexander A. Vandegrift, a citizen of Virginia;
 Ralph E. Davis, a citizen of Illinois;
 Harry W. Weitzel, a citizen of Kentucky;
 Clarence W. Alger, a citizen of South Dakota;
 Sidney N. Raynor, a citizen of New York;
 Frederick R. Hoyt, a citizen of New Hampshire;
 James T. Reid, a citizen of South Carolina; and
 Fred S. N. Erskine, a citizen of Massachusetts.

POSTMASTERS.

ALABAMA.

Lemuel A. Carroll to be postmaster at Slocumb, Ala. Office became presidential January 1, 1909.

ALASKA.

Lulu J. Maddocks to be postmaster at Fairbanks, Alaska, in place of John P. Clum, resigned.

CALIFORNIA.

William S. Collins to be postmaster at Loyalton, Cal., in place of William S. Collins. Incumbent's commission expires January 9, 1909.

George A. Griffin to be postmaster at Tuolumne, Cal., in place of George A. Griffin. Incumbent's commission expired December 12, 1908.

FLORIDA.

Louis Wiselogel to be postmaster at Marianna, Fla., in place of Louis Wiselogel. Incumbent's commission expired December 15, 1908.

GEORGIA.

Pearl Williams to be postmaster at Greenville, Ga., in place of Cebron D. Williams, removed.

IDAHO.

Joseph R. Collins to be postmaster at Moscow, Idaho, in place of Joseph R. Collins. Incumbent's commission expires February 27, 1909.

ILLINOIS.

Oscar H. Harpham to be postmaster at Havana, Ill., in place of Oscar H. Harpham. Incumbent's commission expired December 16, 1908.

William M. McDonald to be postmaster at Chandlerville, Ill., in place of William M. McDonald. Incumbent's commission expires January 9, 1909.

Leander W. Niles to be postmaster at Bethany, Ill., in place of Leander W. Niles. Incumbent's commission expires January 9, 1909.

KANSAS.

James W. Crawford to be postmaster at Little River, Kans. Office became presidential January 1, 1909.

Ulysses S. Davis to be postmaster at Morrill, Kans. Office became presidential January 1, 1909.

Bert Fancher to be postmaster at Clafin, Kans. Office became presidential January 1, 1909.

James Hall, jr., to be postmaster at Miltonvale, Kans. Office became presidential January 1, 1909.

KENTUCKY.

John H. Meyer to be postmaster at Newport, Ky., in place of John H. Meyer. Incumbent's commission expired January 13, 1906.

James M. Wilson to be postmaster at Falmouth, Ky., in place of James M. Wilson. Incumbent's commission expired May 7, 1906.

MAINE.

Roy M. Hescoc to be postmaster at Monson, Me. Office became presidential January 1, 1909.

John C. Nichols to be postmaster at South Windham, Me. Office became presidential January 1, 1908.

MASSACHUSETTS.

Charles M. Hoyt to be postmaster at Haverhill, Mass., in place of Horace I. Pinkham. Incumbent's commission expires February 23, 1909.

Frederic Robbins to be postmaster at Watertown, Mass., in place of Frederic Robbins. Incumbent's commission expires February 14, 1909.

MICHIGAN.

Maynard Palmer to be postmaster at River Rouge, Mich., in place of Maynard Palmer. Incumbent's commission expired December 12, 1908.

MINNESOTA.

Charles H. Hamilton to be postmaster at St. Louis Park, Minn. Office became presidential January 1, 1909.

Charles A. Lee to be postmaster at Morris, Minn., in place of Justin Berkin. Incumbent's commission expired December 14, 1907.

John P. Lundin to be postmaster at Stephen, Minn., in place of John P. Lundin. Incumbent's commission expires January 18, 1909.

MISSOURI.

Edwin S. Brown to be postmaster at Edina, Mo., in place of Edwin S. Brown. Incumbent's commission expires February 27, 1909.

Otis M. Gary to be postmaster at Doniphan, Mo., in place of Otis M. Gary. Incumbent's commission expires February 23, 1909.

Bayless L. Guffy to be postmaster at Hayti, Mo., in place of Robert N. Hillard, removed.

NEBRASKA.

Charles W. Gibson to be postmaster at Litchfield, Nebr. Office became presidential January 1, 1909.

NEW JERSEY.

Isaiah Apgar to be postmaster at Callfon, N. J. Office became presidential January 1, 1909.

Alfred B. Gibb to be postmaster at Bernardsville, N. J., in place of Reuben Abel. Incumbent's commission expires January 9, 1909.

Uzal S. Hancy to be postmaster at Franklin Furnace, N. J. Office became presidential April 1, 1905.

Howard V. Locke to be postmaster at Swedesboro, N. J., in place of Howard V. Locke. Incumbent's commission expires January 20, 1909.

Charles W. Russell to be postmaster at New Brunswick, N. J., in place of Charles W. Russell. Incumbent's commission expired March 24, 1908.

NEW YORK.

William Hutton, jr., to be postmaster at Nanuet, N. Y. Office became presidential January 1, 1909.

Harry R. Porter to be postmaster at Sonyea, N. Y. Office became presidential January 1, 1909.

Daniel Smiley to be postmaster at Mohonk Lake, N. Y., in place of Daniel Smiley. Incumbent's commission expired December 13, 1908.

John Smythe to be postmaster at Cold Spring, N. Y., in place of John Smythe. Incumbent's commission expired December 15, 1908.

Wallace H. Wells to be postmaster at Brasher Falls, N. Y. Office became presidential January 1, 1909.

NORTH CAROLINA.

Robert W. Davis to be postmaster at Southport, N. C. Office became presidential January 1, 1909.

OHIO.

James R. Hicks to be postmaster at Amelia, Ohio. Office became presidential July 1, 1908.

Percy May to be postmaster at New Holland, Ohio. Office became presidential January 1, 1909.

OKLAHOMA.

Daniel Strawn to be postmaster at Idabel, Okla. Office became presidential January 1, 1909.

PENNSYLVANIA.

William M. Toy to be postmaster at Austin, Pa., in place of Frank E. Baldwin, resigned.

PORTO RICO.

Walter K. Landis to be postmaster at San Juan, P. R., in place of Walter K. Landis. Incumbent's commission expires January 14, 1909.

WASHINGTON.

Jacob T. Grove to be postmaster at Deer Park, Wash. Office became presidential January 1, 1909.

WEST VIRGINIA.

Lynn Kirtland to be postmaster at Sistersville, W. Va., in place of George E. Work, resigned.

WISCONSIN.

Matthew O'Regan to be postmaster at National Home, Wis. Office became presidential January 1, 1909.

CONFIRMATION.

Executive nomination confirmed by the Senate January 8, 1909.

Daniel R. Randall to be postmaster at Annapolis, Md.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 8, 1909.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that Tuesday next be substituted for to-day for the consideration of pension bills on the Private Calendar that are in order to-day.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that Tuesday next may be substituted for to-day for the consideration of pension bills in order to-day. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 22306. An act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank.

The message also announced that the Senate had passed resolutions in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 59.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby directed to cause preliminary ex-

amination or survey to be made of the Colorado River in the vicinity of the city of Needles, Cal., with a view to protecting the said city from encroachment of the said river.

Senate concurrent resolution 58.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Columbia River, in the State of Oregon, in front of the town of Hood River, and report the same to the Congress.

Senate concurrent resolution 56.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made at the mouth of the Sluslaw River, in Oregon, as may be necessary in order to determine what project for its improvement can be completed by the expenditure of \$100,000 in addition to a like amount to be provided by the residents of that locality.

Senate concurrent resolution 54.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from the sea to the Norfolk Navy-Yard, with a view to widening and straightening the same and increasing the depth thereof to 35 feet at mean low water, with width of present project, and to submit estimates for such improvement to that depth.

SEC. 2. That an examination and survey be made and estimates submitted for a channel 22 feet deep at mean low water from the Norfolk Navy-Yard to a point about 1 mile above Gilmerton.

SEC. 3. That an examination and survey be made and estimates submitted with a view to providing ample anchorage room abreast of and above Lamberts Point, between Lamberts Point and Pinnars Point.

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from Fortress Monroe to Newport News, with a view to providing for a depth of 35 feet at mean low water and a width of 800 feet, and to submit estimates for such improvement.

The message also announced that the Vice-President had appointed Mr. BAILEY and Mr. FRAZIER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Post-Office Department.

SENATE CONCURRENT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, the following Senate concurrent resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from Fortress Monroe to Newport News, with a view to providing for a depth of 35 feet at mean low water and a width of 800 feet, and to submit estimates for such improvement—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 54.

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SEC. 2. That an examination and survey be made and estimates submitted for a channel 22 feet deep at mean low water from the Norfolk Navy-Yard to a point about 1 mile above Gilmerton.

SEC. 3. That an examination and survey be made and estimates submitted with a view to providing ample anchorage room abreast of and above Lamberts Point, between Lamberts Point and Pinnars Point—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 56.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made at the mouth of the Sluslaw River in Oregon as may be necessary in order to determine what project for its improvement can be completed by the expenditure of \$100,000 in addition to a like amount to be provided by the residents of that locality—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 58.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Columbia River, in the State of Oregon, in front of the town of Hood River, and report the same to the Congress—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 59.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby directed to cause preliminary examination or survey to be made of the Colorado River in the vicinity of the city of Needles, Cal., with a view to protecting the said city from encroachment of the said river—

to the Committee on Rivers and Harbors.

ANNUAL MESSAGE OF THE PRESIDENT—SECRET SERVICE.

Mr. PERKINS. Mr. Speaker, I offer a privileged resolution, and ask that it be reported by the Clerk.

The SPEAKER. The gentleman from New York offers a privileged resolution which the Clerk will report.

The Clerk read as follows:

Whereas the annual message of the President contained the following paragraph:

Last year an amendment was incorporated in the measure provided for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million of dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the antitrust law and others. The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury, but it tends to hamper the Secretary of the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer. The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men. Very little of such investigation has been done in the past; but it is true that the work of the secret-service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable a special exception could be made in the law prohibiting the use of the secret-service force in investigating members of the Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least to hamper effective action against criminals by the executive branch of the Government.

Understanding this language to be a reflection on the integrity of its membership, and aware of its own constitutional duty as to its membership, the House in respectful terms called on the President for any information that would justify the language of the message or assist it in its constitutional duty to purge itself of corruption.

The President in his message of January 4 denies that the paragraph of the annual message casts reflections on the integrity of the House; attributes to the House "an entire failure to understand my message;" declares that he has made no charge of corruption against any Member of this House, and by implication states that he has no proof of corruption on the part of any Member of this House.

Whether the House in its resolution of December 17, 1908, correctly interpreted the meaning of the words used by the President in his annual message, or whether it misunderstood that language, as the President implies, will be judged now and in the future according to the accepted interpretations of the English language. This House, charged only with its responsibility to the people of the United States and its obligation to transmit unimpaired to the future the representative institutions inherited from the past, and to preserve its own dignity, must insist on its own capacity to understand the import of the President's language. We consider the language of the President in his message of December 8, 1908, unjustified and without basis of fact and that it constitutes a breach of the privileges of the House. Therefore be it

Resolved, That the House, in the exercise of its constitutional prerogatives, declines to consider any communication from any source which is not in its own judgment respectful; and be it further

Resolved, That the special committee and the Committee of the Whole House on the state of the Union be discharged from any consideration of so much of the President's annual message as relates to the Secret Service, and is above set forth, and that the said portion of the message be laid on the table; and be it further

Resolved, That the message of the President sent to the House on January 4, 1909, being unresponsive to the inquiry of the House and constituting an invasion of the privileges of this House by questioning the motives and intelligence of Members in the exercise of their constitutional rights and functions, be laid on the table.

Mr. PERKINS. Mr. Speaker, to your committee were referred certain portions of the annual message of the President of the United States. We were to consider whether those were couched in such form that this Congress could consider them with a due regard for the dignity of a great legislative body. Your committee has examined that question with the care that its importance demands, with due regard for the rights of the Chief Executive, with due regard for the rights of the Congress, and we are unanimously of the opinion that the portions of the message objected to do constitute a breach of the privileges of this House. [Applause.] We have submitted the resolution which has just been read by the Clerk, and which embodies the opinion and constitutes the report of the committee to which this question was referred.

Mr. Speaker, with the question of the use of the secret-service men, your committee has nothing to do. We fully recognize the right of the President to criticize legislation adopted by Congress, to point out its defects, and to ask that they be remedied. The Congress will consider that question and take such action as in its judgment the interests of the public may require. And yet, in passing that, Mr. Speaker, I wish to say one word, in which I know I state the opinions of the special committee and in which I believe I utter the opinion of the entire membership of this House, and that is, that in the integrity, in the honest judgment of every member of the Appropriations Committee, this House has had and still has the utmost confidence. [Applause.]

We are to consider certain statements in the message in reference to the motives which controlled the vote of Members and certain suggestions in reference to legislation which are submitted to us. The President in his message said, criticizing the provision in reference to the use of secret-service men, which was adopted by the Congress, that—

The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men.

If that was the chief argument, it meant that by that argument were the votes of the majority of Congress controlled in favor of that provision. In that opinion your committee is unable to coincide. Let us consider for a moment what was said in reference to this question in the debate in the House. The gentleman from Kentucky [Mr. SHERLEY] asked this question: "If it was intended that if a Member of Congress was guilty of unbecoming conduct the department would be warranted in investigating his conduct by secret service men?" The gentleman from Kentucky spoke in favor of the proposition before the House, and the gentleman from New York [Mr. BENNET], opposing the proposition, replied that we all knew, as lawyers, that we were not federal officeholders; that we were component members of the Government, and there was no one over us. Then the gentleman from Kentucky further said that, notwithstanding the opinion of the gentleman from New York, he had understood that in one instance the private conduct of a Member of Congress had been investigated by secret-service men, and the gentleman from New York denied that one lone and solitary instance, and said that in that case the investigation was not by secret-service men, but by a police officer of the city of Washington, and, if I remember right, he said that the police officer of the city of Washington was dismissed from the service as a reward for his pains. And that is all contained in the RECORD. Your committee do not believe that the most timorous of Congressmen would be affected by those arguments to cast his vote in favor of the proposition from any fear that if he voted "no" the Secret Service might ferret out his secret sins. But we are told that there is another piece of evidence that leads to the conclusion that it was by that argument that the votes of the Members were controlled. What is that evidence? Is it found in the records of the House? No. Is it found in the reports of speeches made upon the floor of this House? No. It is exhumed from the columns of a newspaper published years before the Members of the Sixtieth Congress had even been elected. Your committee does not believe that a statement made in 1904, even by a newspaper reporter, is conclusive evidence of the motives which governed the votes of Congressmen in 1908. [Applause.] And, Mr. Speaker, if we should turn back to the consideration of a message transmitted but a few days ago to us on the subject of the Panama Canal, it would appear that statements made in newspapers are sometimes questioned even at the White House. [Laughter and applause.]

The statement made that the chief argument was that Congressmen themselves were unwilling to be investigated by secret-service men can have but one meaning. It means that the Members of the House voting for this proposition were controlled by an improper motive. If the vote of any Congressman is controlled by fear of investigation of his conduct by secret-service men or by any other men, then that Congressman surely stands in dread of the law. [Applause.] If the majority of this House were controlled in their vote by fear that their actions may be investigated and their crimes discovered, then any respect for this House would not only be impaired, but it would be destroyed. It is dangerous for the Republic—how dangerous perhaps only the future can disclose—that the confidence of any large part of the people should be shaken in the judges who interpret the law, and it is equally dangerous that their confidence should be shaken in the legislators who enact the law [applause]; and it is for this reason that the duty rests upon a great legislative body to see that the integrity of its motive is not lightly questioned. If we do not respect ourselves, certainly no one will respect us. We are tenacious for the honor of the nation. Shall we not be equally tenacious for

the honor of our institutions? Mr. Speaker, if the day ever comes when the majority of this House will be controlled in its action by the craven fear of the exposure of their conduct, then, indeed, the Republic will have come to an evil day and the failure of popular government will be demonstrated. That day is not come. Doubtless in the Congress of the United States are sometimes found unfit and dishonest men, but with rare exceptions the members of the Congress are men of integrity, whose votes are determined, not by fear of the police, but by an honest regard for the public service. We are the chosen representatives of the people of the United States. Many of us have been continued for long years, either at the polls or by the votes of the legislatures.

I am unwilling to believe that popular government, that universal suffrage are such lamentable failures, that dishonest or unfit or cowardly men are continued in office. In this matter we stand not only for ourselves, but for those who sent us here. The impeachment of those who are chosen is the impeachment of those who choose. [Applause.] The President says that no one holds the dignity of the Congress in higher respect than he. How much it would be deplored, how much I am sure the President himself would regret, if expressions in his message should remain unanswered, which by any unfortunate inadvertence of phrase, any untoward combination of words, would be interpreted by the public as reflecting upon the dignity and lessening the influence of this House. Mr. Speaker, the President says in his message:

I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so, in my belief, we should be given ample means to prosecute them if found in the legislative branch.

And with that sentiment of the President this committee and this Congress is in fullest accord.

But—

Adds the President—

if this is not considered desirable—

What is not considered desirable? What he has just said—that criminals should not be protected in any branch of the service; that he should be given ample means to prosecute them if found in the legislative branch.

Says the President:

But if this is not considered desirable, a special exception could be made in the law prohibiting the use of the secret-service force in investigating Members of the Congress.

In other words, it is suggested that we pass legislation which shall protect ourselves and let the other criminals be caught. [Applause.] If a majority of this body were indeed controlled by fear of detection of their crimes, that would be just the legislation they would be glad to support. As such is not the character of the body, such legislation can not be considered. Is there any member of the Congress who is willing to say that the suggestion of such legislation should be meekly received and mildly considered? [Applause.] If the Congress listens tamely and timidly to reflections upon the character of its members and the integrity of its own motives, it will deserve, and certainly it will receive, the contempt of the community. [Applause.] Mr. Speaker, for centuries English-speaking men fought and bled that representative government should be the government of the English people. Our revolutionary ancestors more than a century ago fought and bled that representative government should be the government of this land, that the laws of the American people should be enacted by representatives chosen by the American people. The Congress of the United States to-day, with its great power and its great responsibility, is the result of centuries of struggle. Let every man who is a member of it this day vote on the question that is presented in the manner that seems to him worthy of the traditions of which we are the heirs, of the institutions of which we are the protectors, and of the people of whom we are the representatives.

I reserve the balance of my time. [Great applause.]

Mr. BENNET of New York. Mr. Speaker, will my colleague yield for a question?

Mr. PERKINS. Yes; surely.

Mr. BENNET of New York. At what time does the gentleman intend to move the previous question on his resolution?

Mr. PERKINS. It is the intention of the committee that there should be full debate on this question. I have no thought of moving the previous question until there has been every reasonable opportunity for debate.

Mr. DRISCOLL. I wish my colleague would yield for a question.

Mr. PERKINS. I will yield for a question.

Mr. DRISCOLL. I requested yesterday a copy of these resolutions, but did not get it. It is really one of my objections, and about the only objection I have, to the rules of this House, that we can not have the day before some notice of bills and resolutions coming before the House. If we had had this resolution yesterday we would have had time to consider it, and perhaps act and vote more dispassionately than we can now. Now, I ask my colleague from New York whether it would not be wise, in view of the fact that these resolutions are just presented, and in view of the fact that there is considerable excitement here to-day [laughter], and the galleries full of interested people, having submitted this resolution, to let it stand for a week and have consideration at that time?

Mr. PERKINS. I will answer the question of the gentleman by saying that I do not think it would be wise at all. [Applause.]

Mr. DRISCOLL. I think we might all cool down and act with more fairness and better judgment in the matter than we can now.

Mr. MANN. The gentleman is the only excited man in the House. [Laughter.]

The SPEAKER. Does the gentleman from New York [Mr. PERKINS] yield to his colleague [Mr. DRISCOLL]?

Mr. PERKINS. I will yield for a question, but I think the question already asked is exhausted. I will say in answer to my colleague from New York that this matter is thoroughly familiar to every Member of this House, and has been since the time of the introduction of the first resolution. I see no evidences here to-day of heat or passion. The resolutions presented by the committee have been drawn with great care and with extreme moderation. I am sure my colleague will agree that nothing in the few remarks I have made has savored of heat or passion, and I see no reason why the House should not proceed with the further consideration of the resolutions. I yield to my colleague from Michigan [Mr. DENBY].

Mr. DENBY. Mr. Speaker, we are confronted this morning with the most painful duty that has fallen to the lot of this House since I have been a Member.

December 8 last the House received the annual message of the President. It contained a discussion of an amendment made at the last session to the sundry civil bill in connection with the Secret Service. In that discussion the President used language which was regarded very generally by the membership of the House as highly offensive.

December 17 the House in respectful terms called upon the President to furnish any justification he might have for the statements he had made. January 4 he replied in a special message, the character of which was unworthy of his great office and unbefitting a state paper. It is greatly to be regretted that the President should have seen fit to mention by name certain members of the Committee on Appropriations, not with a view to expose corruption, but merely to criticize them for their official actions in their legislative capacity. The President does not agree with the committee, but surely he can not claim the right to hold up to public ridicule in a state paper every Member whose views or actions do not exactly accord with his own ideas. As a matter of fact, whether always right or sometimes wrong in their recommendations, I think I voice the general view when I say that the chairman and members of that committee, bearing as they do untainted and undisputed credentials from intelligent and patriotic communities, have won and have fully deserved the respect of the American people. [Loud applause.] No one not associated with the work of this House can well appreciate the multitudinous detail and exceeding difficulty of their work. That they do that work well can not be disputed, and that they are upright, able, and industrious gentlemen, worthy Members of this House, and not deserving the condemnation of the Executive, can not be questioned here and should not be questioned elsewhere. [Applause.]

Furthermore, it is a dangerous precedent to set, that the Members of this House may properly be criticised in a message because they failed to agree with the Executive upon a question of public policy. It is a precedent I feel sure in future will be "more honored in the breach than in the observance."

To-day your special committee offers a resolution intended to make clear the attitude of this House toward the Executive when in the exercise of a constitutional privilege he strays from the path of recommendation and just criticism into the realm of personal abuse, speculation, and innuendo. [Loud applause.]

The purport of the resolution is that the House itself must be the judge of the propriety or impropriety of the language of communications addressed to it, and must act accordingly. So much a branch of the Government, coordinate and coequal with all other branches, must insist upon; and when the House of

Representatives receives a communication couched in unfitting terms, and that communication is neither withdrawn nor explained nor atoned for, it becomes the duty of the House to decline to consider such communication, from whatever source it may come. [Applause.] The resolution seems to be as simple and as little offensive in its terms as the English language and the just demands of this occasion will permit. Personally, I have not the slightest desire that this House shall show resentment toward the President for his apparent purpose to arouse in the public mind contempt and suspicion for this body. Still less do I desire that this House shall reply in kind to the language of the message. [Laughter and loud applause.]

Now that the whole painful episode nears its end, I may say that the most distressing feature is that the President of the United States, justly honored and beloved as he is throughout the land, should so little appreciate the effect of his own words and should apparently so little consider his own great fame. It seems scarcely credible that he can have failed to realize, and yet I know he must have failed to realize, that in encouraging in the popular mind distrust of this body he is striking at the very foundation of popular government. [Applause.] I am glad to believe that had another official of high authority and great position ventured to employ the language he has used the President would have been the first to deplore and to rebuke. He has lost a great opportunity—an opportunity to display the possession of one great attribute of true greatness—the capacity to realize when he has done injustice and the willingness to correct that mistake.

I desire now only earnestly to express the hope that this resolution may pass, to the end, in so far as we can compass that end, that the three great branches of the Government—the legislative, the executive, and the judicial—may remain, as they always have been, independent, coequal, self-respecting, and mutually respected. [Loud and long-continued applause.]

The SPEAKER. Does the gentleman reserve the remainder of his time?

Mr. PERKINS. I reserve the balance of my time, and suggest if anyone desires to be heard in opposition to the resolution this would be a fitting opportunity.

The SPEAKER. That would be the rule of recognition.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The gentleman from Mississippi.

Mr. WILLIAMS. In what order is the debate proceeding? As I understand it, each member of the committee has the right to an hour's time, if he chooses to use it. Is that correct?

The SPEAKER. Upon recognition, each Member who is recognized in his own right is entitled to an hour; but somebody is entitled to recognition now who is opposed to the resolution.

Mr. WILLIAMS. But nobody was opposed on the committee. It is a unanimous report.

The SPEAKER. Yes.

Mr. WILLIAMS. There is therefore nobody on the committee who can represent the opposition to the resolution. It seems to me that somebody ought to be recognized to control the time in opposition.

The SPEAKER. Every Member who is recognized is entitled to one hour, and it being a unanimous report of the committee, the Chair will recognize some Member opposed to the resolution.

Mr. BENNET of New York rose.

Mr. WILLIAMS. Before the gentleman from New York [Mr. BENNET] proceeds, I would like to ask unanimous consent to a proposition. I understand the gentleman from New York [Mr. BENNET] is to represent the opposition to the resolution.

Mr. BENNET of New York. The understanding of the gentleman from Mississippi is not exactly correct. The gentleman from New York is to express his views as a Member of the House.

Mr. WILLIAMS. Then I should like to find out who will represent the opposition, in order to ask unanimous consent that the time be equally divided between the proponents of the resolution and those opposed to it.

Mr. BENNET of New York. I may add, if I have in any way misled the gentleman from Mississippi, that I intend to speak against the resolution.

Mr. WILLIAMS. I ask unanimous consent, then, that the time in opposition be controlled by the gentleman.

Mr. HULL of Iowa. Oh, no; this is an unlimited debate.

Mr. PAYNE. Let us have the regular order.

Mr. WILLIAMS. Mr. Speaker, inasmuch as the perfectly innocent and good-humored attempt of mine to find out who could possibly control time on the other side appears to have failed, I will withdraw the request.

The SPEAKER. The Chair will ascertain who opposes the resolution. If no one opposes it, members of the committee would be first entitled to recognition. Does the gentleman from New York [Mr. BENNET] oppose the resolution?

Mr. BENNET of New York. Yes.

The SPEAKER. The gentleman from New York.

Mr. BENNET of New York. Mr. Speaker, I rise in the frame of mind recommended to this House by my friend and colleague from New York [Mr. PERKINS] to discuss this matter without heat and without bitterness, and I trust with the dignity that befits an occasion which has had no parallel in forty years.

My colleague has done me the honor and justice to quote with substantial accuracy the words which I used in the debate on the 1st of May to express the high opinion in which I held and still hold both the dignity and the membership of this House. I then stated and now maintain that there is none over us; that we are a component part of the Government of the United States, the legislative branch, our own masters, and not the holders either of a state or of a federal office. Holding those views, then, which none can hold higher of the House and of its membership, I rise to express my regret at the resolution proposed by the committee of which my colleague [Mr. PERKINS] is chairman. The gentleman from Illinois, interrupting rather irregularly the question of my colleague from New York [Mr. DRISCOLL], said that none seemed to be excited in this House except the gentleman from New York.

I might add that so far as my personal communications from my district have gone, none seem to have been excited over this particular portion of the President's annual message except the membership of this House. If it had not been noticed in the way that it was by the membership of this House, in twenty-four hours the country, then having, and still having, the highest confidence in the integrity of the membership of this House, would have forgotten that any such language had ever been used, either by the Chief Executive or by any other person.

The gentleman from Michigan [Mr. DENBY] speaks of the historical character of this proceeding, and in a way he is right. But, unless he has given special study to the question, I should hesitate to ask him to rise in his place and state the reasons which were expressed in the Senate of the United States for taking a similar action in relation to Andrew Jackson, or in this House for taking a somewhat similar action in relation to President Tyler. The trouble is that, though we may so express it, these actions have little of historical significance, and I venture the prophecy that the student of history who, twenty-five years from now, looks up the record of Theodore Roosevelt will find that our action to-day plays no more part in the view held of him historically than the action of our predecessors here plays in the view held in history of President Tyler, or than the action of the predecessors of our colleagues in the Senate detracts from the estimate of the character of Andrew Jackson.

It is, then, to ourselves and to those who sent us here, and of them, that we are to speak mainly to-day. The language by the President has been quoted. I deny that, standing alone, it reflects upon the majority of this House. Does not my colleague, and do not the Members of this House, can they not realize other motives, assuming the worst significance of the President's message, which would actuate a Member of this House in desiring to go upon record as being opposed to the investigation of this House as a body, or as individuals, by members of the Secret Service? It seems to me that standing as we do alone, a dignified body, with the control of our own membership, we have the right to assert at any time that we have not lost confidence in our own integrity and in the judgment of the people who have chosen us; that we can control the actions of those who may be unworthy; and that we need no assistance from the outside, from the Secret Service or any other place, to keep our membership pure.

If it is not correct, how can we explain to the public the action this House took in the Fifty-ninth Congress when we did except ourselves from the operation of a criminal statute. I speak from a slight investigation of the RECORD, and under correction of the gentleman from Texas, Mr. BURLESON, if I speak erroneously, I will state it. In the Fifty-ninth Congress he introduced a bill, following the cotton-leak scandal, which, as he said in picturesque language on the floor, was intended to cover every officer in the public service from the President to the charwoman. At some stage of the procedure of the two Houses the words "Members of Congress" were added to the classes of persons who became criminals by giving out advance information relative to the products of the soil.

This House, by a decisive vote, when that bill came back from conference, laid the bill on the table. The gentleman from

Texas [Mr. BURLESON] introduced a new bill in substantially the same form, omitting "Members of Congress" from the list of those who would become criminals by giving out advance information; and in that form it passed both Houses, I believe, without a dissenting vote, and became and now is the law of the land.

We were right in that action; we had a right to have the confidence in our own integrity.

Mr. BURLESON. Will the gentleman yield?

Mr. BENNET of New York. I will.

Mr. BURLESON. I think the gentleman from New York voted wrong when the original bill was before the House if he voted to eliminate Members of Congress. He is mistaken though in the statement that the bill was reintroduced and became a law. It subsequently was adopted by the House as an amendment to the penal code and also has passed the Senate as an amendment to the penal code.

Mr. BENNET of New York. It passed both branches of Congress and without a dissenting vote. That is substantially the statement I made, and whether I voted right or voted wrong—

Mr. McCALL. Will the gentleman yield?

Mr. BENNET of New York. I will.

Mr. McCALL. The gentleman is mistaken in saying that the amendment relating to Members of Congress was laid on the table.

Mr. BENNET of New York. I said the whole bill was laid on the table.

Mr. McCALL. The provision relating to Members of Congress was defeated, and then the House defeated the whole bill because we believed it was a vicious bill and would make a criminal by giving away government information which the people ought to have from the executive branch of this Government.

Mr. BENNET of New York. I do not see that the statement is materially different from the one I made. The fact remains that after they had taken action, in which the gentleman from Massachusetts and myself participated, we passed the same provision in this House eliminating Members of Congress.

Mr. McCALL. If the gentleman will permit me, it was by no means the same provision, but the two differed very materially. If he will compare the provision in the penal code and the provision that the House defeated, he will see that they differ materially.

Mr. BENNET of New York. I have compared them.

Mr. MANN. And there is no similarity between the two.

Mr. BURLESON. With the gentleman's permission, I will state that the original bill passed the House without "Members of Congress" being included in its provision. It passed the Senate without "Members of Congress" being included in its provision. In conference "Members of Congress" were embodied, and then the bill was laid on the table because "Members of Congress" were embraced within its provision. Subsequently the bill, without material change save the fact that "Members of Congress" were stricken from its terms, was embodied in the penal code by the House and by the Senate, and the gentleman from Massachusetts is mistaken.

Mr. BENNET of New York. I am obliged to the gentleman from Texas.

Mr. McCALL. Mr. Speaker, I do not desire to take up the time of the gentleman from New York, but a reading of the bill which the House defeated and of the bill as incorporated in the penal code will settle that question. I wish to bring out this fact, that the House voted by a large majority to defeat the amendment relating to Members of Congress. That was settled, and then after that had been taken out it voted decisively to kill the whole bill without amendment. The gentleman from Texas is completely wrong. [Laughter.]

Mr. BURLESON. The record will disclose the real facts, and will determine whether I am wrong or the gentleman from Massachusetts [Mr. McCALL] is mistaken.

Mr. BENNET of New York. Mr. Speaker, the gentleman from Massachusetts and the gentleman from Texas, as my friend from Indiana [Mr. OVERSTREET] suggests to me, having eliminated each other, I shall depend upon my own recollection, thanking the gentleman from Texas, the author of the bill, for his very strong support of that recollection. [Laughter.]

Therefore, if in the very last Congress we have taken action—and the gentleman from Massachusetts [Mr. McCALL] emphasizes and strengthens my statement, for he says that the proposition to eliminate Members of Congress came up as an independent proposition and that it was defeated by an overwhelming majority, a fact which had escaped my recollection for a moment, and I thank the gentleman for calling it to my

attention—if we have taken that action so recently as within the last two years, taken it with the consciousness of our own dignity and integrity, which we then had and still have, how can we blame the President of the United States if he suggests that still having that same opinion of our own dignity and worth, and that same belief and pride in our own ability to maintain the purity and integrity of our membership, we allow other avenues of the law to operate on criminals outside our body and depend in the future as in the past upon avenues under our control for the elimination from amongst us of criminals who sometimes do or have in the past unfortunately gained membership here?

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. MANN. The gentleman has made comparison between the secret-service proposition and the proposition to give out secret information received by the Government in advance of its due publication.

Mr. BENNET of New York. Oh, no.

Mr. MANN. Oh, that is exactly the proposition the gentleman referred to in the Burleson bill, which was to forbid the giving out of secret information obtained by executive officers of the Government in advance of its proper publication. Now, does the gentleman think that there is any relevancy in comparing the two propositions, when Congress struck "Members of Congress" from the Burleson bill for the very reason that Members of Congress could not know the secret information obtained by executive officers in advance of being given out by the executive officers, and the Members of Congress did not wish to put themselves in the attitude of making themselves criminals for giving out information in the ordinary course of business?

Mr. BENNET of New York. I did not yield to the gentleman for a speech, but for a question.

Mr. MANN. Well, the gentleman's speech is made much better by the interruption. [Laughter.]

Mr. BENNET of New York. And I am very much obliged to the gentleman from Illinois [Mr. MANN] for his contribution. The gentleman from New York certainly believes that there is an analogy between the case cited in the Fifty-ninth Congress and the supposititious case embraced, possibly, in the language of the President. Nor do I think that my colleague from New York [Mr. PERKINS] does the President of the United States exact justice in stating that the meaning of his words is that the majority of this House are controlled by motives which are or may be corrupt.

My colleague, I think, should at least have done our fellow-citizen the justice of recalling that in his special message, whether rightly or wrongly—and I express no opinion upon that at the moment—the President called our attention and the attention of the country to what he said was a condition which existed in this body and which is, in substance, that, having confidence in our own committees, being busy ourselves upon other committees, there are many of us who, upon matters concerning which we have not had an opportunity of being informed, rely upon the report of the committee and follow it. It is not necessary for me to say that this is always so or to deny that the condition exists. My colleague, I think, sometimes relies upon that particular method of information. For instance, the debate upon the provision which has caused all this trouble commences on page 5750 of the RECORD of May 1, 1908. I notice on the second column of page 5749, the page immediately preceding it, that my colleague interposed a point of order to a provision, and that in accordance with the custom in this House, after he had reserved the point of order and the chairman of the committee had made a slight explanation, the gentleman said:

Well, I am by no means sure my friends of the committee are right, but I shall not insist on the point of order.

Mr. SHERLEY. Has the gentleman any reason to think the committee is not right?

Mr. PERKINS. A good deal. I withdraw the point of order.

I will say frankly that we all rely upon the fact that committees that have made investigations know more about the subjects than we do or possibly can, and the President in his message, sent in response to our inquiry, calls attention specifically to the existence of this condition and absolves, in words, the House and the majority in the House from any suspicion even of being controlled by any base or unworthy motives. So much for the language itself and for the justification which we ourselves have given the President in the next preceding Congress.

Mr. FITZGERALD. Mr. Speaker, before the gentleman passes from that, does he mean that the plain inference of the President's language is not what the special committee states, but that the majority of the House, having had confidence in one of its committees, that confidence was betrayed by the Members

named by the President in his reply to the House resolution? Is that the inference to be drawn?

Mr. BENNET of New York. The gentleman necessarily means nothing of the kind.

Mr. FITZGERALD. But from the manner in which he stated the proposition, the only other inference that seemed to me possible would be that the House, having had confidence in this committee, in the opinion of the President, its confidence was betrayed by the committee, and particularly by the persons named in the message as responsible for the action of the House. I wish to know if that inference is the one that the gentleman thinks the House should have drawn instead of the one it does now draw, as set out in the resolution.

Mr. BENNET of New York. Mr. Speaker, my colleague is illustrating the difficulty of putting a "plain meaning" on the language of others. There is no such necessary inference from the language of the gentleman from New York, and I have utterly failed if I have not drawn to the attention of so astute and able and honest a man as my colleague the two facts—first, that the President might have relied upon our action in the Fifty-ninth Congress; and, second, had the right to rely upon our own confidence in our honor, dignity, and integrity as a body and in our ability to maintain the dignity of this House in its integrity. There is no other inference that could be drawn from my remarks.

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET of New York. I will yield for a question.

Mr. MANN. The gentleman cited the case of the gentleman from New York withdrawing the point of order as proof of confidence in the Committee on Appropriations. Does the gentleman mean by that that if he had not withdrawn the point of order that he would have shown a lack of confidence in the Committee on Appropriations, or that the gentleman himself showed a lack of confidence when he made and had sustained a point of order on the identical item we are now considering?

Mr. BENNET of New York. Not in the committee as individuals, but in their conclusions; yes. Why else would the point of order be made if the Member is satisfied?

Mr. MANN. I make points of order so often that I wondered whether I showed a total lack of confidence. It is a new doctrine to me that a man who makes a point of order shows a total lack of confidence in a committee.

Mr. BENNET of New York. So long as the gentleman brought up the question, I will frankly confess that there are many cases in which I have been at a loss to know why the gentleman has made a point of order.

Mr. MANN. That usually happens, I suppose, when a bill comes from the gentleman's committee, when it is generally so full of points of order one can not help making them.

Mr. BENNET of New York. The gentleman from Illinois, to my recollection, never made a point of order to a bill reported from any committee of which I am a member.

Mr. ADAIR. Will the gentleman yield?

Mr. BENNET of New York. Yes.

Mr. ADAIR. The gentleman from New York has stated that had this House taken no notice of the statement of the President in his annual message, the people of the country would have forgotten it in twenty-four hours. Does the gentleman from New York believe that the messages of the President of the United States are of so little importance to the people of this country that they give no consideration to any statement made by the President and forget any statement made by him in twenty-four hours?

Mr. BENNET of New York. Oh, no; and I will come to reply to that statement in due course. Now, behind the question of the language, that I am very glad to see the committee have, with caution, relegated to the plain meaning of the English, and therefore leave each man to his own interpretation, without doing as they did the last time the matter was up in the House, forcing us to put an interpretation upon the language, which each Member had a right to interpret for himself according to its plain English—behind that is the question as to whether the President of the United States, charged with the execution of the law, had a right to bring forcibly to the attention of this House the question of whether our action had retarded the enforcement of the criminal statutes. No one questions the right of the President to recommend legislation. It is important, therefore, and necessary to know to some extent what has been done by these agents of the Secret Service, whom we have taken away from the work of the enforcement of the criminal law. I shall not read the numerous instances, although I shall later ask the indulgence of the House to extend them in my remarks, alluded to by the Secretary of the Treasury in his communication to the chairmen of

the Committee on Appropriations of the House and of the Senate, nor shall I rehearse the instances mentioned in the body of the President's special message itself, but as a Representative from the State of New York I desire to bring to the attention of the House some of the prosecutions which have been carried to a successful conclusion in that one judicial district since October, 1906.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. BENNET of New York. Certainly.

Mr. TAWNEY. Can you state to the House how many men were taken away from the Secret Service as a result of this provision?

Mr. BENNET of New York. I have only the information supplied by the gentleman from Iowa and also the gentleman from Minnesota, who said the action of the House on the 1st of May last would take away 20 men, but I assume that to be accurate. There are only 67 men in the whole Secret Service, and we have 70 policemen to guard this Capitol building; and yet we are afraid of the 67 men scattered all over the United States; and we need—for we must need them—70 men to guard this Capitol building. The gentleman from Minnesota [Mr. TAWNEY] says that 20 men were taken away from the Secret Service. Well, here is what these 20 men—

Mr. PADGETT. Will the gentleman yield for a question?

Mr. BENNET of New York. I will.

Mr. PADGETT. Does the gentleman attribute the necessity for 70 policemen here at the Capitol to the criminal character of the Congress, or to a superfluity of officeholders?

Mr. BENNET of New York. I decline to attribute it to either branch of the gentleman's inquiry, simply contenting myself with stating the facts. Here is what these 20 men have done in the southern district of New York alone:

The American Sugar Refining Company, convicted and fined \$18,000; again, \$60,000; again, \$12,000; again, \$10,000; again, \$10,000; again, \$70,000, making a total of \$180,000, concerning which they have been convicted, and which they have paid in the southern district of New York alone.

The New York Central & Hudson River Railroad Company and F. L. Pomeroy, tried and convicted and sentenced to pay a fine of \$114,000; another fine of \$18,000. The Western Transit Company, \$10,000. The Chicago, Rock Island & Pacific Railroad Company, \$20,000. The Chicago, Milwaukee & St. Paul Railway Company, \$20,000. The Great Northern Railway Company, \$5,000. The Central Vermont Railway Company, \$1,000. The New York, New Haven & Hartford, \$1,000, for penalties under the federal safety-appliance act. McAndrews and Forbes and J. S. Young, for violation of the Sherman anti-trust law, \$18,000.

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET of New York. Yes, sir.

Mr. MANN. The gentleman cites a conviction under the safety-appliance act. Will the gentleman say that that comes through the Secret Service when we maintain a large number of inspectors in another branch of the service for the very purpose of enforcing that law?

Mr. BENNET of New York. I shall cite the district attorney's notation in relation to those three cases before I conclude.

Mr. MANN. We had better stop the other branch of the service and enforce the safety-appliance law—

Mr. BENNET of New York. The gentleman is entitled to his opinion on all subjects, and is competent at all times to express it.

Mr. MANN. Once in a while I would like to get the facts from the gentleman from New York. Was that the case? Was this conviction brought about by the Secret Service?

Mr. BENNET of New York. Those particular three convictions?

Mr. MANN. The convictions which the gentleman refers to, for the violation of the safety-appliance law?

Mr. BENNET of New York. Those three convictions, of \$400 and \$300, were not.

Mr. MANN. Then, what is the gentleman reading them for? I suspect from the gentleman's statement that most of these others are the same.

Mr. BENNET of New York. I will read them, if the gentleman desires some facts, before I get through.

Mr. MANN. It is the first time.

Mr. BENNET of New York. It takes three strikes to get out. Also, there was a prominent New York newspaper indicted and that pleaded guilty for using the United States mails to distribute lewd, obscene, and lascivious matter. It was fined \$31,000.

Mr. OVERSTREET. Will the gentleman yield for a question?

Mr. BENNET of New York. Yes.

Mr. OVERSTREET. Is it not a fact that the Post-Office Department maintains a large inspection service for the investigation of that very character of offenses?

Mr. BENNET of New York. The gentleman, as the chairman of the Committee on the Post-Office and Post-Roads, is better informed in that matter than I am.

Mr. OVERSTREET. Is not that true?

Mr. BENNET of New York. If the gentleman says so, I will admit it.

Mr. OVERSTREET. Undoubtedly it is true. Then, was this particular conviction, and the process of law which led up to it, by the Secret Service of the Treasury Department or by post-office inspectors?

Mr. BENNET of New York. By the secret-service officers of the Treasury Department.

Mr. OVERSTREET. Under what conditions? Why could not the Post-Office Department have done the same identical work?

Mr. BENNET of New York. I am not informed why the Post-Office Department did not do it, and very possibly if the gentleman considers it important he can ask the Postmaster-General when he next has him before his committee. I simply make the statement, upon the authority of the United States district attorney for the southern district of New York, that the secret-service men did valuable work in this case.

Mr. OVERSTREET. Is it not true that the number of post-office inspectors has been reduced in recent years without any impairment to the character of the service?

Mr. BENNET of New York. I hope so.

Mr. OVERSTREET. That is true, also.

Mr. BENNET of New York. Glad to hear it.

Mr. GAINES of Tennessee. Mr. Speaker, if the gentleman will permit me, I want to ask him how many cases under the Sherman antitrust law have been investigated by these secret-service men in the State of New York and elsewhere?

Mr. BENNET of New York. I will state, in answer to the gentleman from Tennessee, that the United States district attorney for the southern district of New York reports to me that in the thirteen major cases to which I first referred for the taking and giving of rebates in violation of the so-called "Elkins law," the convictions were obtained in those cases through efforts of the secret-service agents as well as the convictions on which fines were paid of \$185,000 by the Sugar Refining Company.

Mr. GAINES of Tennessee. That is the Elkins law. Now, how many under the Sherman law?

Mr. BENNET of New York. The district attorney does not differentiate.

Mr. GAINES of Tennessee. I think he ought to, as there is quite a difference in the two. Has the gentleman any letter or official communication that can explain that?

Mr. BENNET of New York. The communication from which I now read is what may be called an "official communication."

Mr. GAINES of Tennessee. From whom?

Mr. BENNET of New York. A letter from the United States district attorney of the southern district of New York, in which he refers to cases under the Elkins law.

Mr. GAINES of Tennessee. In the debate on this subject last May—May 1—I in substance asked the gentleman if the Secret Service was employed in securing testimony in the antitrust cases, and the gentleman in substance stated that was the case. I would like to know what his information is and from what source did the gentleman get that information? I want to say that upon that information I voted against the Tawney amendment. Now, I want your information as to that.

Mr. BENNET of New York. At the request of the gentleman from Tennessee, without stopping to read, I will put into the RECORD certain statements here from the district attorney of the southern district of New York with reference to violations of the Sherman Act, about which he now interrogates me.

In addition to this—

SCHEDULE A.

SCHEDULE OF SUCCESSFUL PROSECUTIONS IN THE SOUTHERN DISTRICT OF NEW YORK DURING THE TWO YEARS FROM OCTOBER 1, 1906, TO JANUARY 1, 1909.

1. United States v. American Sugar Refining Company, for accepting rebates. Convicted and fined.....	\$18,000
2. United States v. American Sugar Refining Company, C. Goodlow Edgar and Edwin Earle, for accepting rebates. Defendants plead guilty and paid fines aggregating.....	60,000
3. United States v. American Sugar Refining Company, C. Goodlow Edgar and Edwin Earle, for accepting rebates. Plead guilty and paid fines aggregating.....	12,000
4. United States v. American Sugar Refining Company. Accepting rebates. Plead guilty and paid a fine of.....	10,000
5. United States v. American Sugar Refining Company. Accepting rebates. Plead guilty and paid a fine of.....	10,000
6. United States v. Brooklyn Cooperage Company. Accepting rebates. Plead guilty and paid a fine of.....	70,000
	180,000

The above total fines, aggregating \$180,000, were paid by the defendants after the American Sugar Refining Company had strenuously resisted the Government in the first case and had employed most eminent counsel to represent it, and all of the important questions of law were thrashed out in that case.

7. United States v. The New York Central and Hudson River Railroad Company and F. L. Pomeroy. Tried, convicted, and sentenced to pay a fine of.....	\$114,000
8. United States v. The New York Central and Hudson River Railroad Company. Tried, convicted and sentenced to pay a fine of.....	18,000
9. United States v. Western Transit Company. Plead guilty and paid a fine of.....	10,000
10. United States v. Chicago, Rock Island and Pacific Railroad Company. Plead guilty and paid a fine of.....	20,000
11. United States v. Chicago, Milwaukee and St. Paul Railway Company. Plead guilty and paid a fine of.....	20,000
12. United States v. Great Northern Railway Company. Tried and convicted and sentenced to pay a fine of.....	5,000
13. United States v. Central Vermont Railway Company. Plead guilty and paid a fine of.....	1,000
	188,000

The above fines, aggregating \$188,000, were imposed against the respective railroads for having given rebates in respect of property transported in interstate commerce.

14. United States v. Erie Railroad Company. Defendant paid a penalty of.....	\$300
15. United States v. New York, New Haven and Hartford Railroad Company. Defendant paid a penalty of.....	400
16. United States v. New York, New Haven and Hartford Railroad Company. Defendant paid a penalty of.....	300
	1,000

The above penalties imposed upon the defendants and paid by them were in prosecutions under the so-called "federal safety appliance act."

17. United States v. MacAndrews & Forbes Company and J. S. Young & Co. Defendants tried and convicted of violations of the Sherman antitrust law, and defendants paid a fine of \$18,000.

18. United States v. Allen Brothers Company, Anadolink Paper Company, Bayless Pulp and Paper Company, Bedford Pulp and Paper Company, Brownsville Paper Company, Champion Paper Company, Central Paper Company, Continental Paper Bag Company, De Grasse Paper Company, The Dexter Sulphite Pulp and Paper Company, Detroit Sulphite Pulp and Paper Company, Fletcher Paper Company, Gould Paper Company, Hartle Paper Manufacturing Company, The Island Paper Company, Island Paper Company, The Jefferson Paper Company, Newton Falls Paper Company, Orono Pulp and Paper Company, Parsons Pulp and Paper Company, Petoskey Fiber Paper Company, The Racquette River Paper Company, The York Haven Paper Company, Munising Paper Company (Limited), Charles W. Pratt, John W. Moyer, and John H. Parks. Defendants plead guilty to indictment charging them with a conspiracy to monopolize trade and commerce in fiber and manila paper in violation of the Sherman antitrust law, and sentenced to pay a fine aggregating \$50,000.

The above two prosecutions under the Sherman antitrust law involved the investigation of corporate books and officers of upward of 30 different corporations, and the time consumed in the investigations covered a period in the first case of over two years, and in the second case upward of six months, and the trial of the first case consumed fifteen days.

19. United States v. A New York Newspaper. The defendants were indicted for using the United States mail to distribute lewd, obscene, and lascivious matter, plead guilty, and were sentenced to pay fines aggregating \$31,000.

20. United States v. Hammacher, Schlemmer & Co. Defendant plead guilty to indictment charging it with obtaining transportation of property in interstate commerce by means of false representation at less than the tariff rate, and was fined \$1,000.

21. United States v. Charles W. Morse and Alfred H. Curtis. Defendants tried and convicted for violations of the national banking act, and defendant Morse sentenced to serve a term of fifteen years in the federal prison at Atlanta, Ga.

While this is not a prosecution of a corporation, it is a prosecution in many respects similar to the prosecution of a corporation, and involved the examination of the books of account of four banking institutions, and of some 40 or more brokerage firms in New York City, Boston, and Philadelphia.

22. United States v. Box Board Association. This was an investigation before the United States grand jury, which as yet has not resulted in any indictment, but which has accomplished the end of driving the association out of business, this association being a combination of manufacturers of so-called "box board" in violation of the Sherman antitrust act. The investigation of this case covered a period of upward of thirty days, and the principal defendant, who had charge of the documentary evidence in the case, fled the jurisdiction, taking all of the documentary evidence with him.

In addition to the above prosecutions there have been reported to this office and prosecuted a number of cases against corporations and partnerships owning scows for violation of the navigation laws prohibiting the dumping of refuse in New York Harbor.

SCHEDULE B.

SCHEDULE OF PROSECUTIONS AGAINST CORPORATIONS NOW PENDING IN THE SOUTHERN DISTRICT OF NEW YORK.

1. United States v. Delaware, Lackawanna and Western Railroad Company. Indictment charging defendant with giving rebates. This case was tried during the year 1907 and resulted in a disagreement by the jury.	
2. United States v. New York, Ontario and Western Railroad Company. Indictment charging defendant with giving rebates.	
3. United States v. New York Central and Hudson River Railroad Company. Indictment charging defendant with giving rebates.	
4. United States v. New York Central and Hudson River Railroad Company. Indictment charging defendant with giving rebates.	
5. United States v. Herrmann, Aukam & Co. Indictment charging defendant with obtaining transportation in interstate commerce at less than tariff rate by means of false representation.	

6. United States v. The Manhattan Brass Company. Indictment charging defendant with obtaining transportation in interstate commerce at less than tariff rate by means of false representation.

7. The American News Company. Indictment charging defendant with obtaining transportation in interstate commerce at less than tariff rate by means of false representation.

9. United States v. Jersey City Dairy Company. Violation of the internal-revenue laws in regard to oleomargarine.

10. United States v. Jersey City Dairy Company. Violation of the internal-revenue laws in regard to oleomargarine.

In addition to the above there are pending investigations which will undoubtedly result in indictments against upward of 10 corporations and partnerships for violation of the statute prohibiting the dumping of refuse in New York Harbor, and also investigations against various corporations and copartnerships for violation of the regulations prohibiting use of Ambrose Channel.

During the foregoing period there have also been conducted in this jurisdiction investigations of all of the express companies in New York City—i. e., the American Express Company, the National Express Company, the Adams Express Company, and Wells-Fargo Express Company, in relation to violations of section 10 of the so-called "Hepburn Act." These investigations have not yet been completed, although they have consumed a great deal of time and involved a great deal of attention.

During the same time this office has investigated upward of 100 alleged violations by different shippers and carriers of the same provision of the Hepburn Act.

SCHEDULE C.

PROSECUTIONS IN WHICH THE SECRET-SERVICE MEN HAVE BEEN USED.

In Schedule A there are 13 cases, numbered 1 to 13, inclusive, in which the Government has successfully prosecuted shippers and carriers, respectively, for the taking and giving of rebates in violation of the so-called "Elkins law," in which prosecutions fines were imposed aggregating \$368,000. The original information to the Government in relation to these cases indicated that the documentary proof, on which successful prosecutions would be had, was in the possession of certain persons in New York State, and there was strong reason to believe that if the persons having such documentary evidence were given the opportunity, after it became known that the Government intended to prosecute, they would dispose of such evidence. The aid of the secret-service men was secured, and they covered the places where this evidence was located and did their work so successfully that the custodians were unable to dispose of any of the books or papers, and the Government ultimately succeeded in getting possession thereof, and from such documents succeeded in securing such convictions.

The secret-service men also did valuable work in the case of the United States v. the New York newspaper.

United States v. Charles W. Morse and Alfred H. Curtis. Defendants tried and convicted for violations of national banking act. The Secret Service was used in this case for certain purposes until the passage of the act prohibiting them from performing any services in any other than counterfeiting cases, which necessitated taking the secret-service men off of the work and putting new men from the special agents of the Department of Justice on the work, and, while the latter did their work very well, it was naturally not the same character of service as before, for the reason that the secret-service men were skilled men, while these men were new to the work.

United States v. Austin F. Montanye. Defendant tried and convicted for smuggling merchandise into the United States in violation of the customs laws. This case involved an investigation in the customs-house and appraisers' stores in the effort to connect certain Government officials with the defendant, and the secret-service men were used in such investigation until the passage of the act which necessitated their discontinuing their work before it was completed.

United States v. Jose M. Giordani. Defendant indicted under section 4476, United States Revised Statutes, for shipping dangerous articles, to wit, gunpowder, under a misdescription. This prosecution was the direct result of an investigation by the Secret Service, which resulted in apprehending Giordani in the attempt to ship 1,000 rifles and 75,000 cartridges from New York to Haiti, to be used in the revolution then pending in Haiti, the said rifles and cartridges having been sold to said Giordani by the Union Metallic Cartridge Company in Bridgeport, Conn., and transported to New York City. As a result of this investigation by the Secret Service the Union Metallic Cartridge Company was also indicted in the district of Connecticut and convicted for shipping said articles under a misdescription. Giordani was convicted in this district and sentenced to serve a term of imprisonment.

United States v. Stanley Bagg, Michael Tandlish, and Michael Smith. Defendants indicted for conspiracy to bribe an officer of the United States. This was a prosecution in which the investigations were conducted solely by the Secret Service.

United States v. James T. Walker. Defendant indicted for violation of the food and drugs act, tried, and convicted. In this case the Secret Service made the preliminary investigations and procured the evidence on which the conviction was obtained.

United States v. Charles C. Brown. The defendant Brown was tried and convicted of conspiracy to defraud the Government on revenues on imported merchandise, Brown being an employee of the Government in the appraisers' stores, through whom the firm of Rosenthal & Cohen operated in passing imported Japanese silks at false weights. After Brown's conviction he forfeited his bail and became a fugitive, and the secret-service men located him in Canada and succeeded in obtaining his return to the United States.

United States v. American Sugar Refining Company. This is a case in which the defendant is now being sued by the Government for defrauding the Government of revenues on imported sugars by means of false weights. Prior to the passage of the act forbidding their use the secret-service men were used for certain work of great benefit to the Government.

During this period the secret-service men have investigated and have obtained convictions in several cases where the defendants were charged with impersonating government officials.

United States v. George W. Lederle. Defendant indicted for accepting a bribe to influence his action. This case was investigated by the secret-service men, and on the evidence obtained by them an indictment was found. The case has not yet been tried.

United States v. Standard Oil Company. Prior to June, 1908, the secret-service men were used by Mr. Kellogg in certain work connected with the above case in this district.

United States v. Theodore H. Price, Moses Haas, and Frederick A. Peckham. (Cotton-leak case.) Prior to June, 1908, the secret-service men were used for investigations in this case, and after the defendants had been indicted in the southern district of New York the secret-service

men were used to locate Haas and Peckham, who had left the jurisdiction, and to bring them back.

The case of the United States v. Allen Brothers Company and others was instituted after the passage of the act prohibiting the use of the secret-service men by the Department of Justice in cases other than counterfeiting. This was an important prosecution which involved a lengthy investigation previous to the finding of the indictment. The Government was seriously handicapped by not having the services of the secret-service men, and the need for such men was so great that it necessitated assistant United States attorneys going out and doing difficult work which they were not equipped to do, and which could have been done more thoroughly by skilled men like the Secret Service.

During the same period there have been 30 indictments for counterfeiting or having in possession dies for the purpose of counterfeiting, in which there have been 29 convictions and 1 acquittal.

There are many other less important cases in which the secret-service men have been used in one way or another.

Since June, 1908, there have been important investigations in this district in which there has been serious need for the services of men in the Secret Service, and the Government has been handicapped by not being able to avail themselves of their services.

Mr. MANN. Before the gentleman gets away from that—

Mr. BENNET of New York. Yes.

Mr. MANN. The gentleman has stated, as I understand him, that all of these convictions were secured by the use of 20 secret-service operators in the southern district of New York?

Mr. BENNET of New York. "The gentleman" stated this: That the statement of the gentleman from Iowa [Mr. SMITH] and the gentleman from Minnesota [Mr. TAWNEY] was that the total number of men in the Secret Service of the Government in these matters was 20; and the gentleman reiterates that statement.

Mr. MANN. Well, the gentleman ought to state this. He recites the total number in the Secret Service as 67.

Mr. BENNET of New York. I stated it upon the authority of the statement of the gentleman from Iowa.

Mr. MANN. I thought the gentleman stated that upon his own information, secured first hand from the Secret Service Division.

Mr. BENNET of New York. I stated as I read the debate which took place in this House.

Mr. TAWNEY. In which the statement was made by the gentleman from Iowa that the total number of 67 did not mean the total number of the Secret Service, but meant 67 who were employed here in Washington.

Mr. BENNET of New York. There is no such limitation in the statement as made by the gentleman from Iowa at the time of the argument.

Mr. MANN. The gentleman suggests at least—I do not want to be too inquisitive—that all this work is done by secret-service men. Now, what I wish to ask the gentleman, because he has evidently made a very diligent investigation into this subject is: What in the world are they doing with the other large amounts of money that have been appropriated for detective work, something like half a million in the antitrust matter and something like a million in other directions, if we can get all this work done in the southern district of New York for \$125,000 through the secret-service men? If so, what in the world are they doing with the rest of the money?

Mr. BENNET of New York. I suppose they are using it in Chicago; I do not know. [Laughter.]

Mr. MANN. But I can assure the gentleman that when any money is expended by this administration improperly it is not expended in Chicago or Illinois, but in the southern district of New York. [Renewed laughter.]

Mr. BENNET of New York. The gentleman makes that assertion. Any time he wants to get up on the floor here and prove it, I will be glad to be present.

Mr. HARDWICK. Will the gentleman yield for one question, a very short one?

Mr. BENNET of New York. Just a question.

Mr. HARDWICK. No matter how useful and how valuable these secret-service agents have been, how does that affect or illustrate the issue between the House and the President?

Several MEMBERS. That is the point.

Mr. BENNET of New York. Mr. Speaker, that is not a difficult question to answer. The President is charged with the execution of the laws. He asserts that the action of this House has interfered with that administration of the laws. In pursuance of his constitutional authority and duty he recommends certain legislation, to wit, that the limitation which was placed upon the sundry civil bill last year be not continued in the sundry civil bill of this year. I am demonstrating to the House that from October 1, 1906, to January 1, 1909, practically two years, in the southern district of New York alone, in cases where secret-service men were used, either to collect or conserve the evidence, convictions were had under which corporations were fined \$438,000.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. PADGETT. The President says that the House was actuated in its legislation by a desire to prevent its Members from being investigated for criminal acts. Now, why does that have anything to do with the investigations in New York? He says that was the chief argument, and the inference from that is that we were moved by that argument to enact certain legislation to prevent ourselves being investigated for criminal acts. Will the gentleman address himself to that matter?

Mr. BENNET of New York. Is this a question?

Mr. PADGETT. Yes.

Mr. BENNET of New York. Mr. Speaker, in the first place, the President says nothing of the kind, as I construe his language; and, in the second place, I have given very fully the reasons which I think might have moved him to use the language which he did, and I do not propose to go over that again.

Mr. MCGAVIN. Before the gentleman gets away from this list of convictions, will he please tell the House how many convictions there were for counterfeiting?

Mr. BENNET of New York. I will answer that question with pleasure. During that time the secret-service force obtained evidence in the southern district of New York, through which 30 indictments were found, either for counterfeiting or for having counterfeiting plates in possession. On those 30 indictments trials were had, and 29 of the 30 prosecutions resulted in convictions and only 1 in acquittal. So I think there is no criticism of the secret-service force for not having been engaged in that particular prosecution during that time.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. BENNET of New York. Certainly.

Mr. MONDELL. At the beginning of the reading of the list of cases which the gentleman has referred to he made the statement, "Here is what those 20 men have done."

Mr. BENNET of New York. Yes.

Mr. MONDELL. Later, in answering a question, the gentleman stated that those were convictions in the southern district of New York where secret-service men were employed. What I desire to ask the gentleman is this: Does he desire the House to understand that these convictions were all obtained solely or largely upon information furnished by secret-service men, or were there not other officers of the Government charged with a like duty, through whom a large portion of this evidence was secured or could have been secured? In other words, was the Secret Service entirely responsible for all of these convictions?

Mr. BENNET of New York. Mr. Speaker, of course district attorneys tried the cases; of course they passed upon the points of law; but I will say to the gentleman from Wyoming that it is my information that the evidence in these cases was not only secured but preserved by officers of the Secret Service, and that means a good deal sometimes in a big city. It is also my information that this force, which accomplished these results under which the Government received back \$438,000, did not exceed, in the southern district of New York, 12 or 13 men. And the district attorney for the southern district of New York, after detailing a list of indictments which have not yet been brought to trial, and of investigations which have not been concluded, which I shall not read to the House, sums up the whole matter by saying:

Since June, 1908, there have been important investigations in this city in which there has been serious need for the services of the men in the Secret Service, and the Government has been handicapped by not being able to avail itself of their services.

Mr. Speaker, if in one district alone in the United States—of course, the largest in population and wealth—results like this have been achieved through the work of the Secret Service, is not the President of the United States, having full information of all the facts, knowing the results from each district—as I do not and as I have not attempted to know them—is he not justified in urging upon this Congress and upon this House in the strongest possible terms a careful and thorough consideration of the whole question before the particular limitation is re-enacted?

Mr. FITZGERALD. Will the gentleman yield?

Mr. BENNET of New York. Certainly.

Mr. FITZGERALD. If I have heard correctly, the gentleman has read a statement from the United States district attorney for the southern district of New York, in which he states that from the 1st of July, 1908, that office had need of the services of these secret-service men, and it has been greatly hampered in its work because it could not have them.

Mr. BENNET of New York. Yes.

Mr. FITZGERALD. Does the gentleman from New York or does this district attorney know that since the 1st of July, 1908, practically the 20 men have been taken into the Department of Justice and organized as a separate secret service; and does he

not know that that department is available for use in this work, payable from the funds from which they had been paid before, subject only to the orders of the Attorney-General, and not to the Chief of the Secret Service?

Mr. BENNET of New York. In reply to my colleague from New York, I will say that the United States district attorney says this about it: He inserts in this list the Morse case, which has been tried since the 1st of July, 1908.

Mr. FITZGERALD. He was not hampered in the Morse case, because Morse was convicted.

Mr. BENNET of New York. He was hampered, and he says he was; but he had skill enough to continue the work which the secret-service men had commenced before the 1st of July, 1908; but that is no reason why, being justified by his past record, he has no right, with the knowledge in his possession, to say that his work now and in the future is being hampered. He does say in this memorandum that he had to have new men in connection with the Morse trial.

Mr. WILLIAMS. What is that memorandum the gentleman holds?

Mr. BENNET of New York. A memorandum furnished by the district attorney for the southern district of New York.

Mr. MANN. A memorandum from the district attorney in which he admits that he had skill enough to convict Morse notwithstanding he was hampered.

Mr. BENNET of New York. He had the skill and the ability, the same as the district attorney in the gentleman's district.

Mr. MANN. But he does not advertise it by saying that he had the skill to obtain a conviction.

Mr. BENNET of New York. I know that he has the courtesy—

Mr. MANN. I understood the gentleman from New York to say that the district attorney in New York admitted that he had skill enough to obtain a conviction, notwithstanding the loss of the services of these men.

Mr. BENNET of New York. I admitted that he had the skill.

Mr. MANN. Will the gentleman then tell us what the district attorney did say?

Mr. BENNET of New York. I have, that he had a force of new men, and while they did fairly well, they were not equal to the secret-service men whom he had used in the other cases.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BENNET of New York. Yes.

Mr. FITZGERALD. Is it not a fact that the Morse conviction grew out of some bank transactions and scandals in the city of New York—violations of the United States banking laws, and did not the evidence upon which this man was convicted consist of the testimony of transactions in these banks by bank officials and experts who examined into the accounts of the bank?

Mr. BENNET of New York. I should be glad to tell the gentleman what it did consist of on the authority of this same district attorney:

While this is not a prosecution of a corporation, it is a prosecution in some respects similar to the prosecution of a corporation, and involved the examination of the books and accounts of four banking institutions and 40 or more brokerage firms in New York City, Boston, and Philadelphia.

Mr. FITZGERALD. So that was the work of accountants and not the work of sleuths?

Mr. BENNET of New York. I have not used the word "sleuths," and in connection with this argument I hardly consider it a dignified expression. It is the work that has been done in the past by secret-service men, and that is the reason why the United States district attorneys and United States judges desire to have men of that character continued in office where they can avail themselves of their services.

Mr. FITZGERALD. I will say to my colleague in perfect frankness that, although I have taken part in the preparation of a bill in which the compensation of these men is provided, I never knew that they were carrying accountants as detectives.

Mr. BENNET of New York. I am glad to supply the information.

Mr. PARSONS. If the gentleman from New York will permit me, I want to say that in the Morse case the secret-service men were used to investigate the panel of the jurors, or rather the special force was so used, and they were not able to do that as successfully as it had been done in the past.

It was such an important case that the judge felt compelled to lock up the jury all through the trial, and therefore it was very important that the United States district attorney should have full information in regard to everybody called to serve on the jury in that case, and he was handicapped by not being able to use the most expert men. That was the information he gave to me.

Mr. BENNET of New York. My colleague's statement is unquestionably correct. And now we go from that branch of this particular discussion to the question of the man whom we are to rebuke, if this resolution passes in the manner that the resolution provides. I hold no brief for the President of the United States. So far as I know, he has asked for neither help nor quarter. Endowed by Providence with a felicity and facility of expression, which he has perfected by use during thirty years of an active life, and in which he has greater and more increased confidence because of almost uninterrupted success, he is at all times, I believe, perfectly capable of being his own defender should defense be required.

Mr. BUTLER. Will the gentleman permit a question?

Mr. BENNET of New York. Yes.

Mr. BUTLER. Does the gentleman desire us to understand that in this endowment by Providence he uttered this language?

Mr. BENNET of New York. The gifts that he has are the gifts that God gave him.

Mr. BUTLER. And this is one of them?

Mr. BENNET of New York. Certainly.

Mr. BUTLER. All right. It comes from higher responsibility than I had supposed. [Laughter.]

Mr. BENNET of New York. The gentleman and I will not indulge in any religious controversy.

My Republican colleagues, of course, assume responsibility for any action that is to be taken here. With the highest respect and regard for the Members of this House on the other side of the center aisle, we must recognize that, being the majority, whatever action we take here to-day will be the responsibility of the Republicans in this House. It may be true that, there being none so great as to escape contumely—

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. BENNET of New York. Yes.

Mr. WILLIAMS. Is that another service of notice upon the Democratic membership of the House that they are not really Members of the House at all? [Laughter.]

Mr. BENNET of New York. Oh, no.

Mr. WILLIAMS. I thought the gentleman was usurping the functions of his colleague from New York [Mr. PAYNE], the majority leader on the floor.

Mr. BENNET of New York. Oh, I shall leave him to answer that inquiry when he gets the floor. Oh, it is simply a statement of fact—

Mr. OLLIE M. JAMES. Will the gentleman permit a question?

Mr. BENNET of New York. Yes.

Mr. OLLIE M. JAMES. If the gentleman's conclusion is correct in that instance, that the Republicans are responsible for all that occurs in the House, then the aspersion, if any, which the President casts the gentleman takes entirely to his side. Is that right? [Laughter.]

Mr. BENNET of New York. I have already taken pleasure in maintaining the position that the President of the United States intended no aspersion either on the House or the majority or the minority, and I assert it again. Of course there may be those who, if any considerable portion of the minority should vote for these resolutions, might cast their minds back to the events of recent campaigns and recall the letters to the distinguished gentleman from Nebraska, and might be unfair enough to believe that some lingering feeling of resentment, if such there is, actuated the Members of the minority so voting. So far as I am concerned, I personally repudiate any such feeling on my behalf and their own.

To my colleagues upon this side of the House I desire to recall very briefly some of the things that we ourselves have said in the recent past concerning this President of the United States of our own party faith—

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the gentleman may continue ad libitum.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that the gentleman may continue and conclude his speech. He has been interrupted a lot.

The SPEAKER. The gentleman from Mississippi and the gentleman from Pennsylvania ask unanimous consent that the gentleman from New York may continue his speech. Is there objection?

There was no objection.

Mr. BENNET of New York. Mr. Speaker, I thank the gentleman from Mississippi and the gentleman from Pennsylvania and the House for this courtesy. Upon this side of the House in at least two political campaigns, and on the floor of this

House, we have spoken of this fellow-Republican of ours whom we propose, if this resolution passes, to rebuke—

Mr. WILLIAMS. Will the gentleman permit an interruption there?

Mr. BENNET of New York. Certainly.

Mr. WILLIAMS. Does the gentleman think it fair to state this in that way? He says we are proposing to rebuke the President. Are we not rather declining to receive a rebuke from the President [applause], and are we not rather denying his official right to scold the representatives of the people?

Mr. BENNET of New York. Mr. Speaker, if the gentleman from Mississippi will, as I presume he will, read the headlines in the newspapers to-night and to-morrow morning, he will find his question amply answered.

Mr. WILLIAMS. But I am not asking it of the newspapers; I am asking it of the gentleman.

Mr. BENNET of New York. And I am answering it through the newspapers. [Laughter.]

The most recent description of the President of the United States, Mr. Speaker, that I find in the CONGRESSIONAL RECORD is contained in the speech of the gentleman from Pennsylvania, Mr. DALZELL, who always adds to his eloquence a sincerity which convinces, and who spoke thus on February 16, 1908, concerning the President of the United States:

The most noticeable thing in the discussion thus far has been the measure of credit that our Democratic friends are willing to concede to our Republican President. The gentleman from Mississippi [Mr. WILLIAMS] is willing to do him honor in so far as he has been guided, he says, by Democratic principles. The gentleman from Missouri [Mr. CLARK] calls him one of the most extraordinary men in American history; declines to decide whether or not he is a great man; suggests that the answer be left to posterity, after the manner suggested by Lord Bacon, who, dying, left "his name and memory to men's charitable speeches, to foreign nations, and to the next age;" and then, with that kindness which is so characteristic of him, wishes him happiness, prosperity, and length of days. The gentleman from New York [Mr. COCKRAN], with that candor and eloquence which are so characteristic of him, calls upon those who have shared his views in the past to join him in hailing the President, "on his disappearance from the field of contentious politics, as a shining ornament of popular government, a loyal exponent of truth, an intrepid champion of justice, a great hero in the glorious galaxy of American heroism."

While I am not of those who heretofore have shared the views of the gentleman from New York, I beg of him now that he permit me to be counted as one of the company that shares in his estimate of Theodore Roosevelt.

Mr. BUTLER and Mr. MCGAVIN rose.

Mr. BUTLER. Will the gentleman yield to me? Were these eulogies pronounced before the delivery of the President's annual message?

Mr. MCGAVIN. I will ask the gentleman from New York if he is now making a plea of justification or sympathy?

Mr. BENNET of New York. Not at all.

Mr. BUTLER. What is the date of that eloquence?

Mr. BENNET of New York. I took occasion to state it. Further on in a paragraph the gentleman said:

In violation of all the precedents of diplomatic history, but pursuant to the dictates of humanity, President Roosevelt dared boldly to suggest a cessation of the bloody war between Russia and Japan, and as a result of his efforts brought about a treaty of peace. [Applause on the Republican side.] And I doubt not that when his name and memory shall be the subject of men's charitable speeches in foreign nations and the next age, not the least of his claims to a lasting place in the world's memory will be under the title of "the great pacificator." [Applause on the Republican side.]

Mr. WILLIAMS. Will the gentleman allow me to ask a question? Mr. BENNET of New York. Certainly.

Mr. WILLIAMS. I do not know that I understood the theory and burden of the gentleman's argument, but is he now setting forth the President's former good conduct in mitigation of his recent offenses? [Laughter and applause.]

Mr. BENNET of New York. I decline to answer the question in the way it is stated, but propose to answer it in a way which seems better to me. These views stated by the gentleman from Pennsylvania have been reiterated by every one of us upon the Republican side with belief and sincerity during two great national campaigns, and the people, believing in the President now as well as then, have heard our statements, with the result that not only have they elected him to high office, but that twice they have elected a Republican majority in this House. I cite these views and also the expressions of the Republican platforms, which without reading I will ask consent to put in the RECORD, as an estimate that we ourselves have put upon Theodore Roosevelt, not as a plea for mercy, not as a plea in mitigation of anything, but that as Americans and men, as well as Republicans, we can take as high a stand as our predecessors have in relation to men in whose honesty, patriotism, and integrity we have confidence, in the hope that even though there may be those here who disagree with me as to the construction of the language they will be animated by the history of past relations with the President, whom we respect and honor and pay our allegiance to as the foremost member of our party, and

by what ought to animate us, if we are imbued with the patriotism which I think we are—the principle of Abraham Lincoln in his reply to Horace Greeley, when he said:

I waive it in deference to an old friend, whose heart I have always supposed to be right.

[Applause.]

REPUBLICAN PLATFORM OF 1904. MCKINLEY AND ROOSEVELT.

The great statesman and patriotic American, William McKinley, who was reelected by the Republican party to the Presidency four years ago, was assassinated just at the threshold of his second term. The entire nation mourned his untimely death, and did that justice to his great qualities of mind and character which history will confirm and repeat.

The American people were fortunate in his successor, to whom they turned with a trust and confidence which have been fully justified. President Roosevelt brought to the great responsibilities thus sadly forced upon him a clear head, a brave heart, and earnest patriotism, and high ideals of public duty and public service. True to the principles of the Republican party and to the policies which that party had declared, he has also shown himself ready for every emergency, and has met new and vital questions with ability and with success.

SETTLEMENT OF THE COAL STRIKE.

The confidence of the people in his justice, inspired by his public career, enabled him to render personally an inestimable service to the country by bringing about a settlement of the coal strike which threatened such disastrous results at the opening of the winter in 1902.

ROOSEVELT'S FOREIGN POLICY.

Our foreign policy under his administration has not only been able, vigorous, and dignified, but to the highest degree successful. The complicated questions which arose in Venezuela were settled in such a way that President Roosevelt that the Monroe Doctrine was signally vindicated and the cause of peace and arbitration greatly advanced.

PANAMA.

His prompt and vigorous action in Panama, which we commend in the highest terms, not only secured to us the canal route, but avoided foreign complications which might have been of a very serious character.

IN THE ORIENT.

He has continued the policy of President McKinley in the Orient, and our position in China, signalized by our recent commercial treaty with that Empire, has never been so high.

THE ALASKAN BOUNDARY.

He secured the tribunal by which the vexed and perilous question of the Alaskan boundary was finally settled.

Whenever crimes against humanity have been perpetrated which have shocked our people his protest has been made and our good offices have been tendered, but always with due regard to international obligations.

Under his guidance we find ourselves at peace with all the world, and never were we more respected or our wishes more regarded by foreign nations.

DOMESTIC QUESTIONS.

Preeminently successful in regard to our foreign relations, he has been equally fortunate in dealing with domestic questions. The country has known that the public credit and the national currency were absolutely safe in the hands of his administration. In the enforcement of the laws he has shown not only courage, but the wisdom which understands that to permit laws to be violated or disregarded opens the door to anarchy, while the just enforcement of the law is the soundest conservatism. He has held firmly to the fundamental American doctrine that all men must obey the law; that there must be no distinction between rich and poor, between strong and weak, but that justice and equal protection under the law must be secured to every citizen without regard to race, creed, or condition.

His administration has been throughout vigorous and honorable, high-minded and patriotic. We commend it without reservation to the considerate judgment of the American people.

REPUBLICAN NATIONAL PLATFORM OF 1908.

Once more the Republican party, in national convention assembled, submits its cause to the people. This great historic organization, that destroyed slavery, preserved the Union, restored credit, expanded the national domain, established a sound financial system, developed the industries and resources of the country, and gave to the Nation her seat of honor in the councils of the world, now meets the new problems of government with the same courage and capacity with which it solved the old.

REPUBLICANISM UNDER ROOSEVELT.

In this greatest era of American advancement the Republican party has reached its highest service under the leadership of Theodore Roosevelt. In no other period since national sovereignty was won under Washington, or preserved under Lincoln, has there been such mighty progress in those ideals of government which make for justice, equality, and fair dealing among men. The highest aspirations of the American people have found a voice. Their most exalted servant represents the best aims and worthiest purposes of all his countrymen. American manhood has been lifted to a nobler sense of duty and obligation. Conscience and courage in public stations and higher standards of right and wrong in private life have become cardinal principles of political faith, capital and labor have been brought into closer relations of confidence and interdependence, and the abuse of wealth, the tyranny of power, and all the evils of privilege and favoritism have been put to scorn by the simple, manly virtues of justice and fair play.

The great accomplishments of President Roosevelt have been, first and foremost, a brave and impartial enforcement of the law; the prosecution of illegal trusts and monopolies; the exposure and punishment of evil doers in the public service; the more effective regulation of the rates and services of the great transportation lines; the complete overthrow of preferences, rebates, and discriminations; the arbitration of labor disputes; the amelioration of the condition of wage-workers everywhere; the conservation of the natural resources of the country; the forward step in the improvement of the inland waterways; and always the earnest support and defense of every wholesome safeguard which has made more secure the guaranties of life, liberty, and property.

These are the achievements that will make Theodore Roosevelt his place in history, but more than all else the great things he has done

will be an inspiration to those who have yet greater things to do. We declare our unflinching adherence to the policies thus inaugurated, and pledge their continuance under a Republican administration of the Government.

Mr. BUTLER. Mr. Speaker, before the gentleman takes his seat will the gentleman permit me to ask him a question?

Mr. BENNET of New York. Certainly.

Mr. BUTLER. Will the gentleman now please state what justification there is, if any, for the language used by the President, which is this:

The chief argument in favor of the provision was that the Congressmen themselves did not wish to be investigated by secret-service men.

Mr. BENNET of New York. I have been granted time to conclude my remarks, and therefore it would be discourteous for me to refuse. I think upon that particular expression there has been too much of a limitation. The President nowhere says that "the chief argument in the House" was what the gentleman has quoted. In a sense it was fortunate that so distinguished a literary man as my colleague from New York was made the chairman of this committee, because I think he will agree with me that similar expressions occur in all historical references to past events when the historian sums up the surroundings of an incident, and so the President sums up the surroundings of this incident. The gentleman from Pennsylvania [Mr. BUTLER] will search in vain to find either in that language or anywhere else in the President's message the statement that that was the chief argument used upon the floor of the House.

Mr. FITZGERALD. Mr. Speaker—

Mr. BENNET of New York. I prefer to complete this answer.

Mr. FITZGERALD. I call the gentleman's attention to a possible oversight; that the President in reply to the House resolution—

Mr. BENNET of New York. I decline to yield to my friend. He does say that the chief argument was what the gentleman has quoted, and he surrounds it by argument from several sources, first, from the RECORD, where the gentleman from Kentucky [Mr. SHERLEY] makes the argument, and then going outside of the RECORD to reports in the newspapers, as the gentleman will recall, and which the gentleman has probably read.

Mr. SHERLEY. Will the gentleman yield?

The SPEAKER pro tempore (Mr. TOWNSEND in the chair). Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. BENNET of New York. Not until I conclude this, then I will yield to him.

Then, if the President had preferred to continue that character of evidence, the files of the evening newspapers, which unquestionably make some sort of atmosphere for this House, in the week preceding the vote contained arguments similar to that contained in the articles by Mr. Busbey in the Chicago newspapers.

Mr. MANN. Where are they?

Mr. BENNET of New York. Does the gentleman wish me to put them in the RECORD?

Mr. MANN. Yes; because I do not think the gentleman can do so.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to insert in my remarks the newspaper articles referred to.

The SPEAKER pro tempore. The gentleman from New York [Mr. BENNET] asks unanimous consent to insert in his remarks—

Mr. BENNET of New York. To insert in the RECORD articles similar to Mr. Busbey's article.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MANN. Before this item was passed?

Mr. BENNET of New York. Yes.

Mr. MANN. All of the items?

Mr. WILLIAMS. All that say it did not, as well as those that say it did.

Mr. BENNET of New York. If the gentleman from Mississippi will furnish them, I will put them in.

Mr. BUTLER. Has the gentleman from New York [Mr. BENNET] completed his answer as to the interpretation of the word "argument?"

Mr. BENNET of New York. I have.

Mr. BUTLER. Will the gentleman tell me what he supposes was in the mind of the President when he used the verb "was," instead of using the verb "is?"

Mr. BENNET of New York. Because he referred to a past event. [Laughter.] I will now yield to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Will the gentleman state where in the RECORD I made the argument that Members of Congress, or that I, as a Member of Congress, was afraid of being investigated by secret-service men?

Mr. BENNET of New York. The gentleman from Kentucky made no such argument, and I have made no such statement.

Mr. SHERLEY. No; but the gentleman has said that he substantially relied for his statement upon remarks made by the gentleman from Kentucky. Now, I want the gentleman from New York, who is familiar with the colloquy that passed between him and myself, to designate what language in that colloquy he thinks justified that statement of the President.

Mr. BENNET of New York. I will do so with pleasure.

First, on page 5753 of the RECORD, on May 1, 1908:

Mr. SHERLEY. Does the gentleman think that if the accusation was made against a Member of Congress that he had been guilty of conduct unbecoming a gentleman and a Member of Congress that a department would be warranted in investigating his conduct by a secret-service man—

Mr. SHERLEY. Does the gentleman think—

Mr. BENNET of New York. If the gentleman will allow me to conclude my statement. Second—

The gentleman may be aware of the fact that this Secret Service at one time was used for the purpose of looking into the personal conduct of a Member of Congress, notwithstanding the gentleman seems to think that they are answerable to no one.

Now, while—

Mr. SHERLEY. Now, does the gentleman think that the two statements—one of them a question and the other one a statement of an historical fact—warrant the conclusion that the chief argument was that we are afraid of being investigated by secret-service men?

Mr. BENNET of New York. Mr. Speaker, in reply to the gentleman from Kentucky, I will say that the President never said that the Congress was afraid of being investigated by secret-service men.

Mr. SHERLEY. But does the gentleman say that the language warrants the statement that the chief argument was—

Mr. BENNET of New York. Mr. Speaker, unless I am permitted to answer the gentleman's question in my own way and in my own time, I shall not attempt to answer it.

Mr. SHERLEY. The gentleman, of course, can control his own time, but he owes it to the truth of the controversy to answer a direct question when it is put.

Mr. BENNET of New York. And the gentleman intends to do it, if the gentleman will allow me.

Mr. COOPER of Wisconsin. Will the gentleman allow me?

Mr. BENNET of New York. I will not at present. If the gentleman from Kentucky will renew his question, as this colloquy has rather diverted me.

Mr. SHERLEY. I asked the gentleman this question: Whether he considers the question asked by myself and the statement made by myself of a historic fact in regard to the use of the Secret Service warranted the conclusion by the President, or anyone, that the chief argument made had been that Members of Congress were afraid of being investigated by secret-service men?

Mr. BENNET of New York. In the first place, it is necessary for me to call attention to the fact that during this controversy at no time has the President of the United States said that the Members of Congress were afraid to be investigated by secret-service men. [Cries of "Oh!"] If gentlemen will further permit, I should say that standing alone perhaps that remark would not justify the statement, but taken as a part of all the President cites, I think it is a necessary thing to be cited.

Mr. SHERLEY. Does the gentleman believe that my remarks as a whole can honestly be interpreted as giving any reason for the statement that the chief argument was the fear of Members of Congress being investigated by secret-service men?

Mr. BENNET of New York. The gentleman insists, unintentionally, very possibly, in misquoting the language of the President.

Mr. SHERLEY. I have not quoted the language of the President. I am now dismissing what the President has said, and I ask the gentleman to say whether, as he construes the language in the RECORD, it warrants the statement that the chief argument made was the fear of Members being investigated by secret-service men. Eliminating what he has said, what does the gentleman think? Does the language warrant that conclusion?

Mr. BENNET of New York. "The gentleman from New York" thinks that the language of the gentleman from Kentucky warranted anyone, the President of the United States or anybody else, in believing that—first, the gentleman from Kentucky, and afterwards the House, so far as it followed his views, believed—what the gentleman alleged as a fact, that a member of the Secret Service had been used to investigate the conduct of a Member of the House, was an argument against permitting the further use of secret-service men in that capacity.

Otherwise why was such assertion made? The gentleman from Kentucky is not used to making vain assertions. He is accustomed to make assertions in which there are force and weight. Evidently he believed there were force and weight in the assertion, or he would not have made it. That is my answer.

Mr. SHERLEY. If the gentleman will listen to the reply of "the gentleman from Kentucky," which will be made in his own time, he will find why those statements were made. And in ending this colloquy between the gentleman from New York and myself, permit me to say that I do not believe any man desiring to construe language fairly, and with a knowledge of the whole debate, could possibly construe my language or that of any other Member used in that debate as warranting the statement that any single Member of this House was in fear of being investigated by the Secret Service.

Mr. BENNET of New York. And the "gentleman from New York" repeats again that neither he nor the President of the United States nor anybody else, so far as "the gentleman" is informed, has ever made the assertion that any Member of this House was in fear of being investigated by the Secret Service. [Cries of "Oh!"]

I herewith append the following as a part of my remarks:

APPENDIX.

[Washington Star, April 21, 1908.]

LOAN OF DETECTIVES—PROPOSED TO STOP A DEPARTMENTAL PRACTICE—SOME FACTS BROUGHT OUT—REVELATIONS MADE BY ASSISTANT CHIEF MORAN—EXAMINED BY MR. TAWNEY—STRINGENT RESTRICTION ON THE SECRET SERVICE BUREAU TO BE PUT IN THE SUNDRY CIVIL BILL.

It is all up with the "black cabinet" of Washington. Alarmed by the institution here in the National Capital of a secret-service spy system similar to that of the hated black cabinet of St. Petersburg, the House Appropriation Committee has included in the sundry civil appropriation bill, which will be reported this week, a drastic and stringent provision prohibiting the detaching, assignment, or loan of any member of the government secret-service force to any other department of the Government for any purpose whatsoever.

The hearings on the sundry civil bill, which have not yet been made public, contain a deal of interesting information extracted after considerable effort from Assistant Chief W. H. Moran, of the Secret Service. This section of the hearings which contains Mr. Moran's testimony shows that in detaching secret-service operators to other departments of the Government for detective purposes the law now on the statute books has been repeatedly violated.

USED IN DIVORCE PROCEEDINGS.

But it was learned to-day that there is a great deal more in the matter than appears in the hearings. It is known that these secret-service men loaned to other departments have been used in all sorts of ways; and some of the ways, even by the most liberal interpretation, can not be construed to be in any degree intimately related to the actual business of the Government. Officials of the departments here in Washington, officials of high and low degree, who for one reason or another have fallen under the suspicion of their superiors, have been followed night and day by these secret-service agents of the Government, detailed from the Secret Service Division to this, that, or the other department and paid out of that department fund with the good gold of Uncle Sam.

It is said that any number of cases of this kind could be cited, but the most remarkable of all, and the one which, so far as the Appropriation Committee is concerned, was the straw that broke the camel's back, was the employment by the Navy Department of a secret-service man to gather evidence of the kind that ordinarily is used only on one side or the other in a sensational divorce case. Upon this kind of evidence gathered by a secret-service man paid by the Government drastic action was based, a midshipman at the Naval Academy being dismissed from the service, which dismissal was followed by a suit for divorce in naval circles.

To show to what extent the practice among the various departments of using secret-service men for all purposes has grown it is necessary only to state that in the fiscal year 1907 the Secret Service Division supplied 78 detectives to the other departments of the Government here in Washington. Sixty-one of these men went to the Department of Justice, 7 to the State Department, 3 to the War Department, 4 to the Navy Department, and 3 to the Department of Commerce and Labor. From July 1, 1907, to February 29, 1908, 66 detectives were supplied to the departments by the Secret Service Division, 51 going to the Department of Justice, 5 to the State Department, 4 to the War Department, 5 to the Navy Department, and 1 to Porto Rico.

TO STOP THE PRACTICE.

According to Chairman TAWNEY and other members of the House Committee on Appropriations, nothing more foreign to every fundamental principle of the republican form of government could be imagined than this gradual growth and extension of the espionage system here in the National Capital. The members of the committee are a unit in the determination to stop the practice here and now, and the provision which they have included in the sundry civil bill is intended to accomplish this end. They believe that they will have the support of a majority of the Members of the House of Representatives in their efforts, and Chairman TAWNEY expects that after he and other members of the committee have called attention to the utterances of Assistant Chief Moran, of the Secret Service, and have explained the situation and the remedial paragraph the legislative restriction in question will be permitted to remain in the bill, thus effectually putting a quietus on the local "black cabinet."

The Appropriations Committee had some trouble in getting Assistant Chief Moran to admit that the law was being violated.

"Are these men detailed to the other departments?" asked Chairman TAWNEY of Mr. Moran when the latter appeared before the committee.

"No," replied Mr. Moran, "they are not detailed."

"Could they be detailed?"

"No, sir; not lawfully."

Replying to Mr. TAWNEY's questions, Mr. Moran then admitted that when the secret-service men were detailed or loaned or assigned, or whatever it may be called, to other departments they did not resign their position as secret-service men, and that brought forth the query from Mr. TAWNEY if the word "detailed" was used in the ordinary way.

"I don't think you intend that," said Mr. TAWNEY, "because if you have detailed them you have violated the law."

"We do not detail them," said Mr. Moran, correcting himself. "What is done, we separate them entirely from our service; in other words, their pay and allowance is stopped the moment they undertake any other work for any other department."

MERE EVASION.

But taking this statement as a basis Mr. TAWNEY demonstrated by extracting information piecemeal from Mr. Moran that, although these men were not "detailed," yet the difference from actually detailing them and loaning or assigning them amounted to little more than a technical evasion of the law. Not only that, but these secret-service men sent to other departments do not cease reporting to their secret-service chiefs, nor do they take the oath of office under any other department, as is required by statute. All these matters were brought out in full.

It also came out that when the secret-service force was not sufficient to supply all the demands for men from the various departments outside detectives from private agencies were employed, although this has been expressly forbidden by statute ever since the Homestead strike.

"If a department made request upon the Treasury Department for secret-service employees," asked Mr. TAWNEY, "and you were not able to meet that request with the force you then had in the employ of the Secret Service of the Treasury Department, how would you supply their demands?"

"Well," replied Mr. Moran, "we would tell them we could not supply them."

"Or would you employ other men temporarily?" inquired the chairman.

A TEMPORARY FORCE.

"Well, we have done that," said Mr. Moran; "we have employed men who have performed temporary service for us and found them to be efficient."

"So under the present practice," remarked Mr. TAWNEY, "it would be possible for each department of the Government to secure and maintain a secret-service force, provided it had the appropriation out of which it could pay the compensation and the per diem which these people demand and which the Secretary of the Treasury recommends?"

"Yes," admitted Mr. Moran, "if we had the proper number of men available. We do not recommend to another department a man for any service unless we know that man is peculiarly fitted to perform it."

The chairman continued along the same line. "If," asked he, "the demand for this service from another department was such as to require the services of more men than are in your department regularly, and you had applications on file and investigated them to satisfy yourself as to the efficiency and competency of the men, you could, as a matter of fact, supply the entire demand from other departments in this way?"

Mr. Moran admitted that this was the fact.

"Now," questioned Mr. TAWNEY, "did you not, as a matter of fact, know that the restrictions of the law are intended to prevent that very practice?"

"No," replied Mr. Moran. "I did not know that. It was never put to us in that way."

Then, in reply to questions from various members of the committee, Mr. Moran admitted that although a detective's secret-service pay was stopped when he was loaned to another department, his chief continued to be his chief, and there was a full record in the central Secret Service Bureau of the activities and discoveries, whether of an official, personal, social, or scandalous nature, of all the detectives so loaned and employed.

"So," commented Mr. TAWNEY, "to all intents and purposes he remains a member of the Secret Service Department?"

"Yes; that is true," admitted Mr. Moran.

OF RECENT GROWTH.

Then the chairman endeavored to find out how long the "black cabinet" had been flourishing so blithely.

"Can you tell me, Mr. Moran, from your recollection," asked Mr. TAWNEY, "about when the practice of using as many detectives as the departments are now using began?"

"Never as many as now," replied Mr. Moran. "It has been increasing right along, in the last few years particularly."

"Is it not a fact," continued the chairman, "that prior to about six or seven years ago men in your Secret Service were requested by other departments very infrequently?"

"Comparatively; yes," replied the assistant chief.

"Have you kept your force up and do you now aim to keep your force up to supply not only the men that are required in the service for which appropriations are made, but also to meet the requirements of other departments as they are demanded?"

"Yes; otherwise we would not keep these 20 additional men on the roll."

"You keep in the neighborhood of 20 men in addition to the men necessary to do your work under this appropriation on hand at all times to supply the other departments, and they are employed all of the time?" asked Mr. TAWNEY.

"Well," replied Mr. Moran, "we have had need for them recently in that way."

PRONOUNCED UNLAWFUL.

Then the committee discovered that although the Secret Service Division treated these loaned detectives still as their employees and yet not their employees, the other departments treated them as still regularly connected with the Secret Service, not requiring them to take the oath of office. This, it was pointed out by the committee in no undecided language, was unlawful.

"You say they do not take the oath of other departments?" asked Mr. TAWNEY.

"Not in all cases," replied Mr. Moran.

"Then," continued the chairman, "how can they be compensated for their service? The law expressly prohibits compensation until the oath of office has been taken."

In reply to this question Mr. Moran answered that the Secret Service Bureau did not want this class of work and would not care if it were stopped to-morrow.

Mr. TAWNEY then read the oath of office to the committee in order to reinforce his statement.

[Washington Star, April 22, 1908.]

ESPIONAGE EXISTS—REPRESENTATIVES CONTRADICT CHIEF WILKIE'S STATEMENT—DECLARE LAW IS VIOLATED—SAY SPY SYSTEM INVADERS PRIVACY OF CITIZENS—ASSISTANT MORAN IS QUOTED—REPRESENTATIVE SMITH PRONOUNCES PRACTICE REPUGNANT TO OUR RACE—MR. BONAPARTE'S ARGUMENT.

Members of the House Appropriation Committee were somewhat surprised this morning when they read in the local papers a statement from Chief Wilkie, of the Secret Service, denying the stories printed yesterday with reference to the employment of secret-service men on all sorts of sleuthing work, from domestic entanglements down, or up. One member of Congress remarked this morning that Mr. Wilkie would do well to read the hearings on the sundry civil bill, or, rather, that portion of them which contains a statement from Assistant Chief Moran, of the Secret Service. In spite of Mr. Wilkie's denial, members of Congress say that Mr. Moran's admissions show very plainly that the law has been repeatedly violated.

This matter will undoubtedly provoke considerable discussion on the floor of the House if there should be time and opportunity when the sundry civil bill is up.

There was some discussion of secret-service operations before the committee when Attorney-General Bonaparte was explaining the necessity for various appropriations for his department. At that time Representative SMITH of Iowa made this statement:

HOSTILITY TO SPIES.

I do not think there is any hostility to the employment of men like bank examiners, but under the secret-service system, up to twenty-five years ago, or about that, these men were used for the purpose of investigating different felonies committed against the laws of the United States; and owing to the abuse of this spy system, Congress put a clause in the bill providing they should be used for certain specific purposes and for no other purposes whatever. That has been repeated in every act for the Secret Service for about a quarter of a century. Bank examiners are not in any sense detectives; they are accounting officers. Do you not think that all this fairly illustrates the hostility on the part of Congress to the spy system?

"The growth of the country," replied the Attorney-General, "is such, and the enormous increase in facilities of communication and the, so to speak, 'cosmopolitization' of crime—if I can call it the word for the occasion—is such, that you are compelled now to have a central agency to deal with it. What I recommend on this subject is what I have recommended all along—that you put into the hands of the Department of Justice the opportunity to employ a certain number of men for this purpose. What you have said about the spy system applies rather to the method of doing the work than to the work itself. We are obliged to have people who will investigate and report on the facts attendant on crimes or suspected crimes, and the protection of the community makes it very desirable that you should have as efficient a force as you can."

PRYING INTO PRIVACY.

"Perhaps what is in the minds of some of us is this," suggested Representative SHERLEY, of Kentucky. "There is a certain character of offenses about which there has been much talk. Now, it does not strike some of us as being in accord with American ideas of government to undertake, by a system of spying on men and prying into what ordinarily would be designated as their private affairs, to determine whether or not a crime has been committed and to make the efficiency of a department dependent, not so much upon the presentation in an orderly and legal way of a case properly brought as upon the 'nosing' of the secret-service men. There seems to be a growing tendency to look to the employment of special agents whose chief attribute is their ability to spy."

In support of his contention for a regular force of detectives for the Department of Justice, as opposed to the idea of hiring secret-service operators by the job, Mr. Bonaparte remarked:

"If you pay him by the job and make his continued employment dependent upon his finding more jobs, you run into the danger of making him what they call abroad an 'agent provocateur,' a person who creates the crime in order that he may get the credit of detecting and punishing the criminal. I do not want you to understand me as saying that the secret-service men do that at all, but I do say if you will put a definite force in charge of this work you will avoid some of the very evils to which you have referred."

"REPUGNANT TO OUR RACE."

"I saw it stated in a newspaper the other day," remarked Representative SMITH of Iowa, "that the American government inspection service and Secret Service far exceeded that of Russia."

"I fancy that is rather an exaggerated statement," remarked Mr. Bonaparte; "however, I have no information as to the number they have in Russia. But there is no doubt that nothing is more injurious in that line and nothing more open to abuse than the employment of men of that type."

"Nothing is more opposed to our race," said Mr. SMITH, emphatically, "than a belief that a general system of espionage is being conducted by the General Government."

[Washington Star, April 23, 1908.]

WILKIE MAY APPEAR—CHANCE FOR HIM TO EXPLAIN DENIAL OF FACTS—BAD TEAM WORK OF MORAN—SOME OF CHIEF'S OWN STATEMENTS ON PRIVATE ESPIONAGE—WERE ERASED FROM RECORD—PRESIDENT SAID TO FAVOR PROHIBITION OF "BLACK-CABINET" WORK BY SECRET-SERVICE MEN.

It looks now as if Chief Wilkie, of the Secret Service, would be called before the House Committee on Appropriations to explain his denial of certain statements published exclusively in the Star with reference to the investigation by secret-service operatives of domestic entanglements, etc. Mr. Wilkie denied, in an interview, that any secret-service men had ever been engaged on work of this description. Yet it became known to-day that some of the testimony before the sundry civil subcommittee of the House Committee on Appropriations was so extremely "divorce-courty" that it was expunged from the records, and does not appear in the printed hearings.

A member of the Committee on Appropriations to-day pointed out that there seemed to be a distressing lack of team work between Chief Wilkie and Assistant Chief Moran of the Secret Service. He pointed out that if Mr. Wilkie had waited until Saturday, when the hearings on the sundry civil bill will be made public, he would have found that the facts which he now denies were admitted by Mr. Moran.

THE "BLACK CABINET."

There has been much discussion of the Washington "black cabinet" and of the system of comprehensive espionage which exists in Washington since the publication yesterday and the day before in the Star of the facts in connection with this remarkable case. It is believed that the drastic provision inserted in the sundry civil bill by the subcommittee, prohibiting the employment of secret-service men on any sort of work except the capture of counterfeiters and the protection of the President, will pass the House by a vote virtually unanimous.

Particularly is this the case since President Roosevelt, as it became known to-day, is not averse to some sort of a provision limiting the activities of secret-service men in this particular. It was expected that he would be opposed to placing this limitation in the bill, but several members of Congress said to-day that the President, after inquiring into the truth of the statement and finding that, in spite of Mr. Wilkie's denial, the facts were as stated in the Star, had declined to countenance a continuation of the practice.

The testimony before the Appropriation Committee, which was such as to warrant its being stricken from the records, had to do with the case, mentioned in the Star day before yesterday, of the midshipman who got mixed up in a domestic tangle and who was shadowed by secret-service men until sufficient evidence was found to warrant his dismissal from the navy.

[Washington Star, April 25, 1908.]

TO ABOLISH BLACK CABINET—PROPOSED TO END ABUSES OF THE SECRET SERVICE—VARIOUS LEGISLATIVE LIMITATIONS INCLUDED IN THE SUNDRY CIVIL APPROPRIATION BILL.

"No person employed in the Secret Service Division of the Treasury Department or under the appropriation for suppressing counterfeiting and other crimes, who is detailed, furloughed, granted leave of absence, dismissed, or otherwise temporarily or finally separated from the service of such division and is thereafter employed under any other branch of the public service, shall be restored or paid compensation for service or expenses in the Secret Service Division for two years after the termination of his employment under such other branch of the Government."

The legislative limitation above quoted is included in the sundry civil appropriation bill reported to the House to-day from the Committee on Appropriations, and is intended to do away with the evils and abuses of the secret-service system of the Government, which were unearthed during the preparation of the sundry civil bill by the committee. Chairman TAWNEY and his colleagues feel assured that this provision when adopted by the Senate and House—and they feel certain that it will be adopted—will put the "black cabinet" out of business and reduce to an irreducible minimum the espionage system which has been growing in favor for some years with department heads and others in Washington.

Mr. WEEKS. Mr. Speaker—

The SPEAKER pro tempore. Is the gentleman in favor of the resolution or opposed to it?

Mr. WEEKS. I am in favor of the resolution.

The SPEAKER pro tempore. The gentleman from Massachusetts.

Mr. WEEKS. Mr. Speaker, I think there are but two considerations which justify me in taking any of the time of the House on this subject. I had intended to speak in my own time, in my own way, for the resolution, but so much time has been used and there are so many gentlemen who wish to speak that I will confine myself first to saying that I am in full accord, not only with the resolution, but with what my colleagues on the special committee, the gentleman from New York [Mr. PERKINS] and the gentleman from Michigan [Mr. DENBY] have said. I could not say it as well as they have, and I indorse every word.

The other consideration which leads me to take time is a reference which I wish to make to the speech that has just been made by my friend from New York [Mr. BENNET]. In doing so I should like to get the House back to a consideration of the resolution itself. I have great confidence in the intelligence and ability of the gentleman from New York [Mr. BENNET], but I must say that I have never heard so much time taken by him or anyone else on the floor of this House, discussing a resolution or a bill so irrelevantly as he has treated this subject. [Laughter.] I regret exceedingly, Mr. Speaker, that he has dragged in the question of politics. The resolution which provided for the special committee was adopted by the unanimous vote of the Members of this House, and I can say for the committee that there has never been a word during its consultations, and I believe there has never been a thought given to the political effect or the political results or to political considerations in any way. There should not have been and there should not be now.

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. WEEKS. Yes.

Mr. BENNET of New York. In what part of my remarks did I, as the gentleman seems to imply, refer to any political effect?

Mr. WEEKS. Well, the gentleman's remarks when they are printed will show.

Mr. BENNET of New York. I think the gentleman is mistaken.

Mr. WEEKS. I do not yield to the gentleman from New York in my admiration for the President or of his great qualities, but I occasionally take issue with certain things the President does and says; and this resolution which is reported to the House, in my opinion, justly takes issue with his message of December 7.

We have no desire to reflect on the purposes of the President. We have no desire to affect his future repute, as has been intimated by the gentleman from New York [Mr. BENNET], but we have a desire to show our approval of recent messages sent to the Congress, and it is the consideration of the real merits of the resolution under consideration which I wish to call the attention of the House to in the few minutes which I shall speak.

The gentleman from New York [Mr. BENNET] makes a mistake when he introduces the southern district of New York as a criterion of places where secret-service men may work effectively. The rest of the country may not be as fertile a field for secret-service men as the southern district of New York [laughter], but in any case whether they have performed efficient service there or elsewhere is not the question. We are appropriating millions and millions of dollars, I am told over \$20,000,000 for inspection work in this country, and the first session of the Sixtieth Congress increased the appropriation for inspection work in the different departments many times the amount curtailed in the Secret Service Division, and I believe it was done without any malice and for the good of the service.

We are not considering what the gentleman from New York [Mr. BENNET] has been discussing; that is to say, the duties of the Secret Service, the functions which it has performed, whether the service should be enlarged, whether it should perform all of the inspection work done by all departments.

That is a matter which is subject to investigation, and on which I assume that the minds of most Members of this House are open. But I want to emphasize the fact that the reduction of the appropriation for the Secret Service could not, in itself, have materially crippled the action of the Government in its propaganda against lawbreakers, when millions of dollars are appropriated to other departments to carry on this or similar work. Undoubtedly the restriction placed on the Secret Service was one which limited it to the purposes intended by the existing law, and I have yet to see, from any source, any evidence whatever that any criminal, or any set of criminals, have not been apprehended because of the action taken by the House last spring in making an appropriation for the Secret Service in the sundry civil bill. Of course, however, those matters are problematical, and the question of the desirability of increasing the Secret Service or changing the character of its duties, or of in any other manner changing the methods now followed by the Government to ferret out crime in different departments, is a subject of such importance that it should be treated after careful investigation, as I assume it will be.

But the House has made no objection to the President's criticism of its legislative action in this matter, although in the earlier days of the Republic such a criticism would have been resented, as is instanced by a protest sent by President Tyler to the House of Representatives, relating to its action on a certain bill, but in which nothing whatever was said which reflected on the motives of the House. In that case the House refused to receive the protest which had been sent it by the President. What this House is contending for is the right, as a separate and equal branch of our governmental system, to act as it sees fit, and in no way to have its motives for such action questioned; and I hope it will be shown by the vote which this House will soon cast that its membership agrees in the contention that the words "The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men," contained in the President's message of December 7, did reflect on the motives of the Members of the House, as this opinion is largely sustained by the press of the country. It seemed to the special committee, after making a suitable investigation of the language referred to, and the reasons which might have led to its use, that it should, in fairness and propriety, ask the President for any reasons which he had on which to base such a charge. The result of this resolution was the President's message of January 4.

Even if there were a difference of opinion on the part of the executive and legislative branches of the Government as to the desirability of changing the conditions which surround the Secret Service, that question would be of no importance whatever compared with the real issue for which the House contends,

Members of this House are not responsible to any other than their constituents for their actions or the motives which actuate them. The majority of the Members of this House have been elected and reelected after heated controversies, in which they have been criticised by political associates in contests for nominations and political opponents in contests for election. Their public acts, and their private characters, even, have been subjected to the strongest lime light, and therefore it is fair to say that when a man has been elected, and repeatedly elected, to this House he fairly well represents the average views and wishes and purposes of his constituents. Therefore any reflection on this House becomes even broader than a reflection on its membership. It becomes a reflection on the people of the United States, and it is our duty to not only resent this on our own account, but on account of the people who are represented by us, and in order that the language of the President may not stand as a precedent and be used in future as a basis of serious differences between branches of the Government. It is apparent to anyone, in this reign of yellow journalism and yellow magazines, that the public has been educated up to the view that, while their own Representative may be irreproachable in character, Representatives and Senators as a body are hardly worthy to represent the best wishes and intents of the people of this country; and if such a view, expressed by the President of the United States, promulgated with the great authority of his office and his unequalled popularity, is allowed to go unanswered it will be, in my judgment, a serious reflection on popular government, and one which we can not, whatever our personal views may be, allow to pass unchallenged.

While I am not an expert on what would be admitted by any court as evidence, after a careful examination of the President's message of January 4, 1909, I am forced to the conclusion that there is not a syllable in it other than the reference to Mr. SHERLEY, of Kentucky, and what he said on the particular subject in controversy, which would be admitted as evidence, and, while I have no brief to explain the questions or the action taken by the gentleman from Kentucky, it is worthy of note that in a debate which covers 14 columns of the CONGRESSIONAL RECORD—more than eleven hundred lines—less than 10 lines were devoted to any reference whatever to the undesirability of spying on the action of Congressmen or other government officials; that these 10 lines were included in two questions asked by Mr. SHERLEY of the gentleman who had the floor; that one of these questions not only included Members of Congress, but also army and navy officers and other government officials; that they were evidently asked without any premeditation whatever; and that when the gentleman from Kentucky himself obtained the floor he did not, in any manner, refer to this subject. It is on this slender thread that the President hangs the statement that the "chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men."

It is the purpose of the committee in making this report to indicate that the House can not receive from the President, or from any one else, a message couched in such language that it constitutes a breach of the privileges of the House. The language referred to, in the message of December 7, and the entire message of January 4, in the opinion of the committee, comes under this head, and therefore our report that both lie on the table. Fortunately, there are few precedents for such action or the necessity for such action, and in no case is there a precedent which applies directly to this case, because never before has the President of the United States reflected in public message on the motives which govern the members of a coordinate branch of the Government.

There have been disputes heretofore between the President and the Congress, disputes compared to which this one is a gentle and trifling matter, but never before did the President in an official communication impugn the motives of the members of either House.

The gentleman from New York has referred to President Jackson and President Tyler. I have, fortunately, at hand the expressions of their views on this subject, and I think they will clearly demonstrate, because their contests with Congress were much more violent than anything we are likely to see in our day and generation, the impropriety of the use of language which imputes a wrong motive to either the executive or the legislative branch of the service.

In 1834 President Jackson sent the names of four directors of the United States Bank to the Senate for confirmation. The Senate failed to confirm them. The President later sent their names back to the Senate with a protest against its action and a statement why his nominations should be confirmed, using this language:

I disclaim all pretension of right on the part of the President officially to inquire into or call in question the reasons of the Senate for

rejecting any nomination whatsoever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects each is independent of the other, and both responsible to their respective constituents.

Now, if there ever was a case where the President might call into question the action of the Senate in not agreeing with his recommendation, it is in that particular case, where the functions of the Executive and the Senate are in some degree the same, the action of one having to be taken in order to confirm the action of the other.

In the summer of 1842 President Tyler vetoed a revenue bill, and when his veto was returned to the Congress, instead of being acted on promptly by the House of Representatives, it was referred to a special committee, and August 30 of that year he sent a message of protest against the manner of procedure which the House had adopted, asking that this protest be entered on the Journal of the House, which request, however, was refused. In the protest referred to, President Tyler used the following language:

I would not have been so far forgetful of what was due from one department of the Government to another as to have intentionally employed in my official intercourse with the House any language that could be, in the slightest degree, offensive to those to whom it was addressed. If, in assigning my objections to the bill, I had so far forgotten what was due to the House of Representatives as to impugn its motives in passing the bill, I should owe, not only to the House, but to the country, the most profound apology.

[Applause.]

To show precedents for resenting the action of the President in purely legislative matters and the passing of resolution of condemnation, I call attention to the records of the Senate of March 28, 1834, and of the House in 1842, and also the reply of President Jackson to the resolution passed by the Senate.

The chairman of the committee which framed the resolution resenting the action of President Tyler in sending a protest to the House in 1842 was John Quincy Adams, of Massachusetts, then serving in the House after he had served a term as President of the United States.

No one, whether friend or foe, will question Andrew Jackson's strength of character, his having positive opinions and an ever readiness to advocate them, and yet he, in the heat of a controversy which has become famous, wished to, and did, preserve, as far as he was able, suitable relations between the departments of the Government; for, in the controversy which has been referred to, which had to do with the disposition of public revenues, in reply to the following resolution passed by the Senate on the 28th of March, 1834—

Resolved, That the President in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both—

President Jackson, on April 15 of the same year, sent a protest to the Senate, going into the subject of controversy at great length, and requested that the protest be entered on the journal of the Senate. In this protest he expressed the following views:

It can seldom be necessary for any department of the Government, when assailed in conversation or debate, or by the strictures of the press or of popular assemblies, to step out of its ordinary path for the purpose of vindicating its conduct or of pointing out any irregularity or injustice in the manner of the attack; but when the Chief Executive Magistrate is, by one of the most important branches of the Government, in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of a breach of the laws and Constitution, it is due to his station, to the public opinion, and to a proper self-respect, that the officer thus denounced should promptly expose the wrong which has been done.

In the same protest he uses the following language:

But the evil tendency of the particular doctrine adverted to, though sufficiently serious, would be as nothing in comparison with the pernicious consequences which would inevitably flow from an approbation and allowance by the people, and the practice by the Senate of the unconstitutional power of arraigning and censuring the official conduct of the Executive in the manner recently pursued. Such proceedings are eminently calculated to unsettle the foundations of the Government, to disturb the harmonious action of its different departments, and to break down the checks and balances by which the wisdom of its framers sought to insure its stability and usefulness.

In 1841 the House adopted certain resolutions, condemning the course of President Tyler in a controversy relating to the revenues, and having received from the President a protest against the right of the House to censure his public course, the House, after a long and elaborate discussion of the whole matter, adopted the following resolutions:

Resolved, That while the House is, and ever will be, ready to receive from the President all such messages and communications as the Constitution and laws and the usual course of business authorize him to transmit to it, yet it can not recognize any right in him to make a formal protest against votes and proceedings of the House, declaring such votes and proceedings to be illegal and unconstitutional, and requesting the House to enter such protest on its journal.

Resolved, That the aforesaid protest is a breach of the privileges of this House, and that it be not entered on the Journal.

Resolved, That the President of the United States has no right to send a protest to the House against any of its proceedings.

December 9, 1868, President Johnson in a special message, or in his annual message, advocated what amounted to repudiation, and during the debate which took place after the message was received the chairman of the Committee on Ways and Means of that Congress used this language:

I look upon that portion of the message as the most gross, shameless, infamous proposition, to repudiate the debt of the country, that I have ever yet heard impudently avowed from any quarter.

The result of the action of the House was, on motion of Mr. Washburn, of Illinois, the laying of the message on the table and ordering it printed. I simply allude to this to show that there has been one precedent on which to base the action of the special committee in recommending the resolution which it has reported. After a careful inquiry into the records of Congress, I fail to find any other precedent, and even in this case it will be noticed that no reference was made to the action of the House or to impugn the motives of the Members of the House.

Mr. Speaker, for one, I want to say that, in my judgment, if this House took any other action than that which is proposed in the report of the special committee, it would not only convict itself of a lack of proper self-respect, but it would indicate a degree of supineness which would make it contemptible in the eyes of the people of this country, and even in the eyes of the President himself. The resolutions, therefore, ought to pass. [Applause.]

The SPEAKER. Does the gentleman from Massachusetts reserve his time or yield the floor?

Mr. WEEKS. Mr. Speaker, I reserve the balance of my time.

Mr. TOWNSEND. Mr. Speaker—

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. TOWNSEND. I am.

The SPEAKER. The gentleman from Michigan.

Mr. TOWNSEND. Mr. Speaker, had I not obtained the inference from the remarks of the gentleman from Mississippi [Mr. WILLIAMS] that the opposition to this resolution was not going to express itself very largely on the floor of this House, I should have remained silent at this time, because I had not known that the resolution was coming up, and on account of its grave importance, not only to this House and possibly to the country, but especially to the Republican party, I would have been very glad indeed to have listened to those gentlemen who have more influence and who were better able to speak. I do, however, have some quite well-defined notions as to the merits of this question, and am perfectly willing to express them for what they are worth. I do not yield to anyone in my appreciation of the dignity of membership in the National House of Representatives. I appreciate the character of such membership most highly. I believe, as I have said on many occasions, that it is composed of the highest quality and character of men that can be found in the United States. I hold in high esteem the members of the great Committee on Appropriations. Not one of them do I question as to his honor, his integrity, or his ability, and I am anxious that their reputations shall be preserved against all possible unjust attacks, as I am jealous that my own reputation shall be preserved. As for myself, I have no fear of any investigation; I welcome it. Nor do I believe a majority or any number of this House has any fear of any kind of an investigation, whether by the Secret Service or otherwise. But we are confronted to-day with the proposition of adopting the resolution which looks to protecting the honor and integrity of the membership of this House against what has been claimed to be an attack by the Executive of the United States. It will be conceded that the President of the United States has a right to recommend legislation to the Congress; has a right to criticize legislation, the same as the House has the right and does exercise that right of criticising the Executive whenever it feels that he has gone wrong in anything that he may have done.

I am not claiming, nor am I going to contend, that the language of the President in his first or second message was the most fortunate that could be used. The President of the United States has a way of his own of expressing himself. He is a strenuous man, but the country believes that his is the strenuousness of a desire to serve it. When he recognized what he thought was a neglect of duty on the part of Congress in failing to provide suitably for the Secret Service and said that the main argument that was used in the Congress against its use by the Executive was their wish not to be investigated, he but expressed the sentiment of this House in this respect, I care not what you say about it. You did not have fear of investigation, but there was a righteous wave of indignation went over the House when the gentleman from Kentucky [Mr. SHERLEY] suggested that a Member had been "shadowed" by the Secret Service, and I confess that I was one of those who felt indignant.

I did not understand the facts then, but learned later, and in time to vote against the amendment. There can be no question but what Mr. SHERLEY's suggestion that a Congressman had been shadowed was repulsive to Members, and that without any thought of a possible disclosure of some criminal act, but rather because Congressmen felt that an unwarranted indignity might thus be shown them, and the dignity and honor of the House thereby lowered.

Now, what do you propose in this resolution to do? You propose to lay on the table the President's message or portions of it for the purpose of justifying ourselves or rather of clearing our name of any possible imputation which that message may cast upon us. But I say to you gentlemen if you are seeking to preserve your reputation before the country you will not accomplish it in this way. [Applause.] You can not secure it by any such action as this. The people have already settled it, and have no patience with oversensitive Congressmen. I myself am very sorry that the question ever came up. I submit that the original resolution was beneath the dignity of this House, and while I sat here in silence under the magic eloquence of that overpowering appeal of the gentleman from New York when he asked that it should pass unanimously, I simply submitted to what I afterwards believed to be a great mistake. We asked for information. That is what we asked of the President, and he proceeded to give it to us as he found it in the Record. There can be no question about this it seems to me. However we may feel about it, that is the situation which confronts us to-day. We have the information for which we asked. I submit that we ought, as you will find by reading the various resolutions and the message of the President—

Mr. STANLEY. Will the gentleman submit to a question?

Mr. TOWNSEND. I will.

Mr. STANLEY. As I understand the gentleman from Michigan, his only objection to the message of the President of the United States or the alleged objectionable matter in it is that he told the truth in a rather blunt way; that this objection is to the manner of his expression rather than the matter of it.

Mr. TOWNSEND. I will of course permit that to go into my speech as the opinion of the gentleman, and I do not propose to argue with him at this time as to how he expresses it. In fact I am willing to concede that he expresses the situation quite clearly, as I understand it.

Mr. GARDNER of Michigan. May I ask the gentleman a question?

Mr. TOWNSEND. I yield to my colleague.

Mr. GARDNER of Michigan. I would like to ask; if the gentleman felt such a wave of indignation in his own breast and going over the House when there was an imputation, as he alleges, on the part of the gentleman from Kentucky that Members had been shadowed, what would actually be the feeling when the direct charge is made by the highest officer of the Government that the motives that prevented a certain action, in the best judgment of the committee having in charge the bill, was to prevent doing that very thing that the gentleman says almost caused a shudder or wave of indignation to go around. [Applause.]

Mr. TOWNSEND. I will say to my colleague from Michigan that, while it is true, as he states, that what the President desired was freer use of the Secret Service, it is, notwithstanding, true that I, with many others in this House—and I submit they will not deny it—believed when that matter was brought up in May last that it was something new, something outside the duties that ought to be imposed upon the Secret Service, and had been used for an improper purpose. These facts have been brought out by this discussion by the gentleman from Kentucky, in whose honor and integrity I have the most unbounded confidence, and who, I have no doubt, can explain this situation, if it needs any. I submit he needs no apology; I submit he does not need any explanation, nor does the gentleman from Iowa [Mr. SMITH] need any explanation before the country and before this House; neither the chairman of the Committee on Appropriations [Mr. TAWNEY], nor any other Member on that committee, so far as that is concerned. It seems to me, in view of the fact that there can be several interpretations placed upon the language of the President, gentlemen are a little supersensitive at this time in presenting these resolutions, in magnifying the situation, which will not relieve us before the country, even though we adopt them. The President has explained his words and disclaims any attempt to be unjust to the House. So I say, Mr. Speaker, I am opposed to the resolution. I am satisfied that all the good has been accomplished that can possibly be accomplished. There is no man in this country—no right-thinking man—who would believe that Congress, or would believe that many members of this Congress, are criminals. Our honor rests with us. No man can blacken our reputation. It lies wholly and en-

tirely with us to make a record that shall command respect with the people of the United States.

Adopting this resolution will not help Members. We are not judged, so far as our character is concerned, by the adoption of any resolution, but rather by what we are and do.

Mr. McMILLAN. Will the gentleman yield?

Mr. TOWNSEND. I will.

Mr. McMILLAN. Has any American citizen a right to say we are wrong without a fair investigation, no matter what office he occupies in the United States? [Applause.]

Mr. TOWNSEND. I do not believe the gentleman will get many cheers on that proposition. The President of the United States has a right to recommend to the Congress and to say we are wrong, as far as that is concerned. There can not be any question about that. There ought not to be.

Mr. McMILLAN. Will the gentleman yield for another question?

Mr. TOWNSEND. Yes.

Mr. McMILLAN. Can he answer that question without yielding to another that he furnish the evidence?

Mr. TOWNSEND. The President has furnished, in my judgment, all the information that was asked of him, all that he could furnish, and such as is corroborated by the RECORD, because taken therefrom.

Mr. WILLIAMS. The committee asked the President to furnish the House with any information which he had, whether obtained through the Secret Service or otherwise, showing the chief argument that had actuated the House in the legislation referred to was a desire to shield criminals, and especially to shield themselves. The committee, furthermore, asked the President to send any evidence that he had of any corruption, corrupt motive, or corrupt influence affecting the members of the Sixtieth Congress. The gentleman says that the President sent the information demanded. Now, will the gentleman direct himself for a few minutes to the proof of what he has just stated, namely, that the President did send the information demanded?

Mr. TOWNSEND. Now, Mr. Speaker, I supposed I had answered that argument in the first place. The gentleman from Mississippi [Mr. WILLIAMS] has asked a long question, involving a good many parts. In the first place, the President has never said that we were afraid of being investigated or that the Congress was. The President has never said that there were any criminals in Congress.

Mr. WILLIAMS. Will the gentleman permit one more question?

Mr. TOWNSEND. Let me answer. You are getting them piled up so fast that I can not catch up with you.

Mr. WILLIAMS. The gentleman is laying a foundation as a premise that, in my opinion, does not exist in the question.

Mr. TOWNSEND. Here is the objectionable clause in the President's message, as I understand it:

The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men.

Mr. WILLIAMS. That is so, and then the following reference, that if in the opinion of Congress it were wise to exempt Congressmen from being shadowed, it was still wise to keep the service for other criminals. Of course that is not the exact language.

Mr. TOWNSEND. No; it does not say that.

Mr. WILLIAMS. It is fairly the argument.

Mr. TOWNSEND. No; I do not think it is. I think the gentleman demonstrates very clearly that different constructions can be put upon the very language that the President used. My opinion is that the "chief argument," and "chief" is a quality that must be decided by the President—what he thinks was the chief argument, not what the gentleman from Mississippi thinks was the chief argument or what I think was the chief argument—is just what the President thinks it was.

Mr. WILLIAMS. The facts must decide it.

Mr. TOWNSEND. He maintains the chief argument used was that the Congressmen did not wish to be investigated, and quotes the gentleman from Kentucky [Mr. SHERLEY] in reference to that, which is shown in the RECORD, and which I submit, as I have said before, is a valid argument, because I believe that you, sir, did not care to have the President of the United States employ the Secret Service for this particular purpose, not that the gentleman was afraid of being investigated or that he expected to be investigated.

Mr. WILLIAMS. I beg the gentleman's pardon; and I think the gentleman is as much mistaken about every other Member of the House, except himself, as he is about me. I would welcome a presidential shadow as amusing company at all times, and I am going to propose at the proper time, if the gentleman will permit me, that, while this new amendment of the law

shall continue in operation, there shall be inserted this proviso—

Mr. TOWNSEND. Mr. Speaker, I can not yield for this speech in my time.

Mr. WILLIAMS. I am not going to make a speech. It will not take a minute and a half. I am going to ask to have inserted this proviso:

Provided, however, That nothing in this law contained shall be so construed as to prevent the President of the United States from appointing a corps of secret-service agents, not exceeding 480-odd in number, the sole function of whom and the sole duty of whom shall be to shadow, espy upon, and report to the President of the United States concerning the conduct of each member of the House of Representatives and of the Senate.

Mr. TOWNSEND. Now, Mr. Speaker, I conclude by saying that I regard this question as one that is unwisely brought before the House at this time; gentlemen have builded a mountain from a molehill. The very arguments themselves and the questions that have been asked show the varied constructions that can be put upon the President's message. I do not believe we would justify ourselves before the country, or justify the standing of this Congress before the country, by the adoption of this resolution. Therefore, Mr. Speaker, I am opposed to it.

The SPEAKER. Does the gentleman reserve his time?

Mr. TOWNSEND. I reserve the balance of my time.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY]. [Loud and long-continued applause.]

CONFIDENCE OF PEOPLE THE ESSENTIAL OF GOVERNMENT.

Mr. TAWNEY. Mr. Speaker, the continued success and perpetuity of government depend more upon the confidence of the people in the integrity, honor, and unselfish patriotism of those charged with the duty and responsibility of government than upon any other condition connected with, or incident to, government. Without it no government can long endure. Ours would soon crumble and fall. Whatever tends to destroy this confidence, whether arising from within any of the coordinate branches of the Government or coming from without, should be frankly and fearlessly met and, if possible, overcome. [Applause.]

Where, as in our form of government, the functions of government are divided and their exercise duly vested in separate and distinct branches, with the powers, rights, and privileges of each fixed and determined by written constitution, nothing can contribute so much to the destruction of this great essential of government or to the disintegration of our Republic as an attempt upon the part of one branch of the Government to impeach the honor and integrity of another branch, however that attempted impeachment may be sought, whether by attributing to the members of that other branch as a whole motives for their official conduct wholly inconsistent with honor, integrity, and the faithful discharge of duty, or otherwise.

The arbitrary and unauthorized use of the great power of any one of the branches of our Government in this respect, if allowed to pass unchallenged, will go further to undermine the confidence of the people in their Government than all other agencies combined. Undermine the confidence of the people in any one of the three coordinate branches of their Government and you have done more to destroy the foundation upon which that Government rests than could be accomplished in any other way.

THE MOTIVES OF CONGRESS IMPUGNED.

When therefore the head of the executive branch of our Government deliberately charges, as was done in the annual message of the President of December 8, 1908, that the legislative branch, in the exercise of its constitutional functions, has passed legislation which "has been of benefit only, and could be of benefit only, to the criminal classes," and "if deliberately introduced for the purpose of diminishing the effectiveness of war against crime, it could not have been better devised to that end," there is clearly implied, if the English language means anything, that in adopting this provision the Congress of the United States intended to benefit and protect from detection and punishment those guilty of committing fraud and other violations of the public law. No disclaimer now, however strenuous and vehement, can modify or change either the meaning of the language used by the President or its interpretation by the people and by the press of this country, under which interpretation the honor and integrity of Congress has been assailed and stands impeached. It is because of the interpretation of the language used and its effect upon their confidence in this branch of their Government that I deem it important to treat the charge as it has been accepted and is understood by the people generally. [Applause.]

The people as a whole can not conclude from this language otherwise than that in adopting the provision of law criticised Congress did so knowing that it would be "of benefit only, and could be of benefit only, to the criminal classes," and that it

would "prevent or at least hamper effective action against criminals by the executive branch of the Government." This interpretation should not go unchallenged. The people should know the facts.

The people know, as we do, that it is as much the duty of Congress to provide the means and all the necessary instrumentalities authorized by the Constitution for the detection and punishment of criminals, as it is the duty of the executive and judicial branches of the Government to use the means and facilities thus provided for the detection, prosecution, and punishment of criminals. Hence, to charge that Congress has exercised its constitutional power in this respect in a way that "has been of benefit only, and could be of benefit only, to the criminal classes," can have no other effect, whether so intended or not, than to impair, if not destroy, that confidence in the honor and integrity of a coordinate branch of our Government, which is so essential to the success and continuance of our free institutions.

To emphasize the plain meaning of the language employed in describing the effect of the legislation criticised, it is also charged in the message of the President that the motive for proposing this legislation, or "the chief argument in favor of the provision, was that the Congressmen did not themselves wish to be investigated by secret-service men." Whether it was intended to charge this as a motive for the enactment of the law or not, neither the press nor the people nor any individual citizen can dissociate that which is said to be the "chief argument" in favor of a proposition and the motive that prompts him who makes it. [Applause.] To thus impugn the motives—for it has been accepted as such, whether so intended or not—of the members of the legislative branch of our Government violates not only the constitutional privileges of Congress, but is calculated to arouse popular prejudice against all branches of our Government, which is far more injurious.

If there was no intention upon the part of the President to impugn the motives of Congress in adopting this provision of law, then it was extremely unfortunate that the gave to the people the opportunity to say that from the language used such was the intention.

But what can be said of this action by the executive branch of the Government and of its effect upon the public mind, when it is proven, as it can and will be, that this impeachment of the honor and integrity of the Congress of the United States is made without any foundation in fact? [Applause.] When proven unfounded, however, it is unfortunate that there will still linger in the minds of many, as the result of this charge, the suspicion that there does not exist among those intrusted with the duties and responsibilities of government that degree of faithfulness to duty and unselfish patriotism which the people of right expect of their representatives in all branches of the public service.

What, then, are the facts in respect to the effect of the provision in the sundry civil appropriation bill, which is the subject criticised in the message of the President to Congress on December 8, 1908? Has it, as claimed, restricted the authority of any department of the Government to employ secret-service men for the investigation of fraud and the detection and punishment of crime? Has it taken from any department of the Government any appropriation or money theretofore available for the payment of compensation and expenses of those employed in this service? If it has not had this effect, then the statements with reference to it in the message of the President and with reference to what is said to be the chief argument in favor of its adoption are wholly without justification.

LIMITATION CRITICISED BY THE PRESIDENT.

This provision was offered by me on the floor of the House as an amendment to the paragraph entitled "Suppressing counterfeiting and other crimes," appropriating \$115,000 for this purpose for the fiscal year 1909, and it reads as follows:

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department or who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division.

This is the provision which, it is said, "has been of benefit only, and could be of benefit only, to the criminal classes," and "if deliberately introduced for the purpose of diminishing the effectiveness of war against crime could not have been better devised to that end." The President further says:

The amendment in question was of benefit to no one excepting to these criminals—

Referring principally to the government-land frauds—and it seriously hampers the Government in the detection of crime and the securing of justice. * * * In its present form the restriction operates only to the advantage of the criminal, the wrongdoer.

Then, assuming that this amendment was for the protection of criminals, the President says:

I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable, a special exception could be made in the law prohibiting the use of the secret-service men in investigating Members of Congress.

And then, in order to convey the idea that this provision of law was intended to prevent or at least hamper the executive branch of the Government in the detection and prosecution of crime, the President says:

It would be far better to do this than to do what actually was done, and strive to prevent or at least hamper effective action against criminals by the executive branch of the Government.

Now, let me again read the simple provision of law which was adopted by Congress and approved by the President without objection several days before the adjournment of the last session of Congress, and then I will submit to the candor and intelligence of the American people whether or not, without any explanation as to the actual operation of this provision, it could possibly have the effect charged in the arraignment by the President which I have just read:

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division.

You will observe that this provision, as admitted by the President, provides in effect merely that there shall be no detail from the Secret Service Division of the Treasury Department and no transfer therefrom. While the President does not say that this prohibition applies only to the Secret Service under the control of the Secret Service Division of the Treasury Department, yet such is the fact. It is also true that it applies only to the appropriations carried in the sundry civil appropriation bill, and does not apply to any of the appropriations carried in any of the other eleven appropriation bills. There is a large and extensive secret service, not wholly a detective service, in almost all of the departments of the Government. Those employed in this service are known as special agents and inspectors, whose duties are to investigate frauds and detect crime.

AUTHORITY TO DETECT CRIME NOT ABRIDGED.

It will be observed, too, that notwithstanding the severe arraignment of this provision of the law, it does not take away from any of the departments of the Government any authority they theretofore possessed, nor does it abridge any right of theirs to employ detectives or secret-service men. Any department of the Government that possessed authority for the employment of such service prior to the enactment of this provision possesses that same authority to the same extent as theretofore. This provision, therefore, has not, and does not, operate to restrict the activity of any department of the Government in the matter of investigation of fraud or the detection and punishment of crime. Furthermore, this provision leaves to every department, available for the payment of such service, all appropriations from which this service has heretofore been paid.

APPROPRIATIONS FOR DETECTION OF CRIME INCREASED.

But that is not all; the appropriations available for the employment and compensation of secret-service employees in all of the departments of the Government, and especially in those that have heretofore used this service to a greater extent than the other departments, were all increased during the last session of Congress.

For the investigation of land frauds in the Department of the Interior, about which so much has been said in the message of the President, that department, until the beginning of this fiscal year, never had an appropriation for that purpose in excess of \$250,000, while Congress at its last session doubled that appropriation, giving the Interior Department \$500,000 for the investigation of land-fraud cases, instead of \$250,000 as theretofore. [Applause.] The appropriation for the expense of hearings in land entries was also increased \$26,000.

In the Department of Justice the appropriation available for the payment of this service was increased at the last session of Congress from \$540,000 to \$560,000, an increase of \$20,000 in the appropriation for the payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest. In addition to this increase for the Department of Justice, the appropriation in relation to the enforcement of the naturalization laws was increased \$50,000 over the appropriation for the fiscal year 1908.

In the Treasury Department, for the detection and prevention of frauds upon the customs revenue, up until the close of the fiscal year 1907 the appropriation was \$150,000. Congress then increased it to \$200,000, and that increase of \$50,000 was again allowed at the last session for the detection and prevention of frauds upon the customs revenues. This service, as testified to before the committee by the Hon. L. M. Shaw, then Secretary of the Treasury, "is in all respects a secret-service force."

For violations of internal-revenue laws until the beginning of the present fiscal year the appropriation was \$100,000. This appropriation was increased for this purpose at the last session of Congress by \$25,000, making the aggregate \$125,000.

The appropriation for compensation in lieu of moieties was at the last session of Congress increased from \$20,000 to \$25,000.

This makes a total increase in the appropriations for the several departments of the Government which have occasion to use, and have used, detectives or secret-service employees more than any other departments of the Government of \$426,000 for the fiscal year 1909 over the fiscal year 1908. [Applause.]

APPROPRIATIONS FOR SECRET SERVICE, SPECIAL AGENTS, AND INSPECTORS.

The aggregate amount appropriated for the fiscal year 1909 for secret service and services of that character, including the \$115,000 appropriated for the Secret Service Division of the Treasury Department, is \$7,214,593.35, being \$792,755 in excess of the amounts appropriated for the fiscal year 1908 for the same service. There was also appropriated for the fiscal year 1909, to be used in whole or in part to prevent frauds on and depredations upon the several branches of the public service, to protect public lands from fraudulent entries, and to apprehend and punish other violators of law, an aggregate of \$23,588,170, which was an increase over the sums appropriated for the fiscal year 1908 of \$2,831,660. I will append and print as a part of my remarks a detailed statement of all these appropriations, which will fully explain the character of the services for which appropriations have been made and are available.

The impression that the only branch of the public service available for the detection and punishment of crime is the service employed under the Secret Service Division of the Treasury Department is wholly and utterly erroneous. A year ago there were 67 men on the secret-service rolls in this division, and this number includes 20 men on that roll held for detail to other departments when needed. The time of 47 of these men, as testified to by the Assistant Chief of the Secret Service, is employed in the detection of counterfeiting and the protection of the person of the President. The Secret Service, therefore, of the Treasury Department, to which reference is made in the message of the President, is only a very small part of the secret service in the various departments of the Government.

UNDERLYING REASON FOR CRITICISM OF LIMITATION.

It may be asked, then, if this provision of law does not abridge the authority of any department of the Government to employ secret-service men, and if the appropriations for that service which is employed by other departments to investigate fraud and detect other crimes against the laws of the United States were increased instead of diminished, why has this provision of law been so severely criticised and made the basis for the impeachment of the honor and integrity of a coordinate branch of the Government? There can be but one explanation, and that is that the Chief of the Secret Service Division in the Treasury Department no longer controls the secret-service men theretofore detailed from his division to the other departments of the Government and no longer fixes the compensation which these other departments pay for that service. The effect of this law has been to take away from him the power which he theretofore exercised over the secret-service men or detectives employed by other departments, both as to service and compensation. It appears from the record of the hearings before the Committee on Appropriations, in the testimony of Mr. Moran, assistant chief of that service, and it also appears from the testimony of Attorney-General Bonaparte, when before the subcommittee on the urgent deficiency appropriation bill, that when a man was detailed from the secret-service rolls of the Treasury Department to another department his compensation was fixed by the Treasury Department. He remained on the rolls of the Secret Service Division of the Treasury Department, although detailed and was obliged to report to the Chief of the Secret Service Division, thus giving to the chief of that division the control both as to service and compensation of men detailed to and serving in other departments of the Government, whose compensation while thus detailed was paid out of appropriations made for the department to which they were detailed.

RECOMMENDATION OF ATTORNEY-GENERAL.

It was this practice, no doubt, that prompted Attorney-General Bonaparte, in his annual report of last year, to recom-

mend the establishment of a small secret service force in the Department of Justice, and it was this also that prompted the Attorney-General, when before the subcommittee on the urgent deficiency appropriations, of which I am chairman, to volunteer the following statement as the conclusion of his testimony upon his deficiency estimates:

There is one other matter that I want to mention, because it is in connection with a subject that is noted in my annual report. We are obliged, as of course the committee knows, to rely on the Secret Service of the Treasury Department for certain work. They have gone up on us in price, increased their allowance from \$3 to \$4 a day. That is the per diem subsistence.

The CHAIRMAN. You do not pay their compensation?

Attorney-General BONAPARTE. Yes, sir; during the time they are in our service.

The CHAIRMAN. How many have you employed during the current year?

Attorney-General BONAPARTE. It would be difficult to say, but the number would be considerable. Of course they are not employed very long. One man may not be employed very long, but some of them remain all the time. In our service we are obliged to call upon them. It would unquestionably be a matter of economy.

The CHAIRMAN (interrupting). The reason I asked that question is that there is a specific appropriation for that service, and for a number of years there has been a proviso that that appropriation should be expended for no other service. My recollection is that the appropriation is \$125,000. Now, if the Secret Service of the Treasury Department is employed any considerable part of the time by other departments of the Government, then I would like to know what becomes of the \$125,000 appropriated for the service in the Treasury Department?

Attorney-General BONAPARTE. It would tend to more satisfactory administration and also to economy, if instead of being obliged to call upon them for this service we had a small, a very moderate, service of that kind ourselves. I think the best plan would be to have a service of that kind under the control of the Department of Justice, and let it, if necessary, assist other departments in cases of emergency.

REASONS FOR ADOPTION OF LIMITATION.

This testimony, together with other testimony on this subject by Mr. Bonaparte, was given unsolicited on January 18, 1908, about two months before the hearings on the sundry civil appropriation bill. It was this testimony, too, in respect to the practice which then obtained in the matter of securing the services of detectives or secret-service men that led to further investigation during the hearings on the sundry civil bill, and also led to the provision reported in the sundry civil appropriation bill which was proposed to correct the abuses in administration referred to by the Attorney-General and to prevent the violation of the law, which for more than thirty years has limited and restricted the use of the Secret Service under the Secret Service Division of the Treasury Department to the detection of counterfeiting and two or three other purposes not now material, which purposes were broadened at the first session of the Fifty-ninth Congress so as to include the protection of the person of the President.

So far as I am concerned, so far as any member of the Committee on Appropriations is concerned, there was never any other purpose or intention in our minds. The debate in the House on this provision shows conclusively that the members of the Committee on Appropriations had no other purpose in view than the good of the public service, and the facts conclusively prove that the activities of no department of the Government have been in the least restricted or affected by this provision, for every department of the Government possesses the same authority to-day it possessed before the enactment of this provision to employ that service and has more money available for the payment of that service now than it has ever had. [Applause.]

EFFICIENCY OF DEPARTMENTS NOT IMPAIRED.

In proof of this fact, and also to show that it has been known in the executive department of the Government that since the beginning of this fiscal year there existed in the Department of Justice a secret-service division, notwithstanding the provision in the sundry civil bill, let me quote from an interview with Mr. Wilkie, Chief of the Secret Service, published in a Boston newspaper, December 19, 1908. In this interview Mr. Wilkie says:

Since the law taking our men away from the Department of Justice went into effect that department has organized a secret service or detective force of its own, and the cost will be, I am informed, about \$160,000 annually. Add that \$160,000 to the \$115,000 we will spend in this bureau for the present year, and you will find a total of \$275,000 as the cost of the secret-service work. The only thing the fathers of the prohibitive law accomplished was an additional expense to the Treasury.

Mr. Wilkie then goes on in this same interview to explain how this secret-service force was created in the Department of Justice:

Ten men were transferred from the rolls of the Secret Service at the end of the last fiscal year, just after the congressional restriction of the former service was enacted. They are now engaged on the work of the legal department, work which is practically the same, Treasury people assert, as that in which they engaged before the transfer, and in order to map out the work for them the entire machinery of a new office had to be built up.

In this connection I will also quote from the last annual report of the Attorney-General, which shows that the Department of Justice at least has suffered no inconvenience and has not been restricted in the least in the matter of the employment and compensation of secret-service employees. They are not known in that department, however, as detectives, but as special agents. The Attorney-General in his report, says:

The special agents, placed as they are under the direct orders of the chief examiner, who receives from them daily reports and summarizes these for submission each day to the Attorney-General, are directly controlled by this department, and the Attorney-General knows, or ought to know, at all times what they are doing and at what cost.

This is exactly why the Attorney-General a year ago suggested to the Committee on Appropriations the advisability of a secret-service organization such as he now has.

SECRET SERVICE NOT NOW USED TO INVESTIGATE LAND FRAUDS.

Much has been said concerning the use of the Secret Service in the detection of land frauds or frauds upon the public domain. In fact, one of the chief arguments against this provision in the sundry civil appropriation bill is based entirely upon the supposed use of the Secret Service men in the Department of the Interior for the detection of land frauds. I have already shown that the appropriation for the detection of fraud and crime in the disposition of the public domain is this year \$500,000, or double the amount the department has ever had in any previous year. As to the nonuse of the Secret Service in the investigation of the land frauds, I will quote from the testimony of Mr. Garfield on page 326 of the hearings before the subcommittee of the House Committee on Appropriations on the sundry civil appropriation bill for 1909, of which I am chairman:

TESTIMONY OF SECRETARY GARFIELD.

Mr. FITZGERALD. Mr. Secretary, do you employ secret-service men in this work?

Mr. GARFIELD. None at all; and that is one of the points that I want to bring out in connection with the general question of the force of agents; none of them is employed as a detective. They are simply men who go out there for the purpose of investigating any entries, charges made of any kind, and their duty is as much to help the honest entryman as to catch the dishonest one.

The CHAIRMAN. Have they been given written instructions to that effect?

Mr. GARFIELD. One of the first things I did was to give them such instructions.

The CHAIRMAN. Then they are not longer employed as inspectors performing certain service as secret-service men.

Mr. GARFIELD. They are not. Of course, once in a while an agent may find a bad case of fraud, a criminal case, where he will have to use good, sound sense in trying to discover the perpetrators of the fraud. Most of these men are engaged in getting facts, and the agents have been carefully instructed that they are not in any way to hold themselves out or act as detectives. In every possible way they are to aid the honest entryman, and to protect his entry. With the corps of agents that Mr. Dennett is building up now, following out the plan of Mr. Ballinger's organization, I have not the slightest doubt, with the increased number, we will be able in a year's time to get the outstanding cases in such shape that we can come to you a year from now and say that the work is current.

At this same time Mr. Garfield made a further statement concerning the employment of secret-service men in the investigation of land matters, although that statement does not appear in the record of the hearings, for the reason that when the head of a department, before a committee of the House, has anything to say concerning another department he invariably asks that the statement be not taken down. The substance of Mr. Garfield's further statement was that he had entirely abandoned the use of the secret-service men in the investigation of land frauds, for the reason that their want of knowledge concerning land matters, land laws, and land titles was such as to render their investigations and reports practically worthless, and cited the dismissal of some thirty-odd cases a short time before which were brought in the United States court in Colorado for the reason that upon investigation it was found that there was not sufficient legal testimony to justify their prosecution. This statement Mr. Garfield recently verified in conversation with a member of the Committee on Appropriations, and can be corroborated by any member of the subcommittee present at the time the statements were made.

This ought to satisfy anyone that the investigation of land frauds, at least, has not been interfered with in the least by this provision of law which is the subject of the President's criticism. But if further proof is necessary, I would respectfully refer to the following letter from the Secretary of the Treasury, which gives the number of men detailed from the Secret Service Division to other departments for the fiscal year 1907 and from July 1, 1907, to February 29, 1908:

APRIL 2, 1908.

THE CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SIR: I have the honor to transmit herewith a statement showing the number of men supplied through the Secret Service Division to other departments of the Government during the fiscal year ending June 30

1907, and from July 1, 1907, to February 29, 1908, together with the total amounts paid to these men for services and expenses.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

Agents supplied through the Secret Service Division to other departments.

FISCAL YEAR ENDED JUNE 30, 1907.

Department.	Number of men.	Aggregate amount paid.
Justice.....	61	\$66,539.62
State.....	7	3,771.48
War.....	3	410.75
Navy.....	4	245.51
Commerce and Labor.....	3	145.30

JULY 1, 1907, TO FEBRUARY 29, 1908.

Justice.....	51	\$51,311.56
State.....	5	807.46
War.....	4	710.80
Navy.....	5	1,027.73
Porto Rico.....	1	872.87

From this statement it appears that not a single secret-service employee was detailed from the Secret Service Division of the Treasury Department to the Interior Department during either of the two years mentioned.

RESTRICTION ADOPTED TO STOP VIOLATION OF LAW AND ABUSES IN ADMINISTRATION.

I do not deem it necessary at this time to set forth in detail the purposes for which the Secret Service in the Treasury Department has been used in the past outside of those purposes for which the service was created and to which that service was limited by law. It is not necessary to do this for the purpose of showing that the law was violated. I will say, however, that it was this violation of the law and the desire to secure better methods of administration in other departments, as suggested by the Attorney-General, that influenced the committee in proposing and supporting this amendment, and not any specific instance where the Secret Service in the Treasury Department was used for purposes other than those authorized by this law. The truth of this statement is borne out by the argument made by myself in support of the provision when under discussion during the last session of Congress, and will be shown by the record of this discussion, volume 42, part 6, CONGRESSIONAL RECORD, Sixtieth Congress, first session, pages 5553 to 5556, both inclusive, which debate conclusively answers the statement that the "chief argument in favor of this provision was that the Congressmen did not themselves wish to be investigated by secret-service men," an argument that was not used, as it will be made to conclusively appear before this debate closes.

As to the intention of Congress in adopting the limitation upon the Secret Service in the Treasury Department some thirty years ago, anyone who will study the history of the limitation which was then placed around this branch of the Secret Service in the Treasury Department, and who will inquire into the uses of the Secret Service which led to the enactment of the limitation and the practices which obtained the last few years before this provision of law was enacted, must conclude that the detail of men on the secret-service roll from the Secret Service Division of the Treasury Department to the other departments was illegal and that it was in violation of this legal limitation.

The claim that this provision interferes with the activities of the Treasury Department, because it takes away from the head of that department the opportunity to alter the distribution of clerks allowed by law, as he may find it necessary, can not be sustained. The section of the law to which attention is called by the President, namely, section 166 of the Revised Statutes of the United States, reads as follows:

Each head of a department may from time to time alter the distribution among the various bureaus and offices of his department of the clerks allowed by law as he may find it necessary and proper to do.

It will be observed that this provision of law relates only to clerks in any department and not to per diem employees. The men employed on the secret-service roll of the Secret Service Division of the Treasury Department are per diem employees and not clerks, and there is a well-recognized distinction, both in law and in the administration of the departments, between clerks and per diem employees.

STATEMENT CONCERNING LETTER OF SECRETARY OF THE TREASURY MISQUOTED BY PRESIDENT.

In this connection I wish to call attention to two statements of a personal character in the message of the President, in answer to the resolution of the House, as presented to the

House of Representatives January 4, 1909. In that message the President uses this language:

"Mr. TAWNEY in the debate stated that he had in his possession 'a letter from the Secretary of the Treasury, received a few days ago,' in which the Secretary of the Treasury 'himself admits that the provisions under which the appropriation has been made have been violated year after year for a number of years in his own department.'"

And then, for the purpose of proving that my statement, thus quoted from my remarks upon the floor of the House during the consideration of this provision, is not true, he appends to his message the letter of the Secretary of the Treasury to which he referred and says:

It makes no such admission as that which Mr. TAWNEY alleges.

It is to me, as I believe it will be to the President, a matter of sincere regret that he did not see fit to do me the justice to quote all that I said, for if he had done so, it would have been unnecessary for me to call to the attention of this House and the country that he has in fact misquoted me. What I did say, and I now read from the CONGRESSIONAL RECORD, page 5559, first column, May 1, 1908, was as follows:

Mr. TAWNEY (after answering a question by Mr. PARSONS). Why, I have in my possession a letter from the Secretary of the Treasury, received a few days ago, in which he has pointed out to me the practice of the Treasury Department *whereby* he himself admits that the provisions under which this appropriation is made have been violated year after year for a number of years in his own department.

You will observe that if the President had quoted, without omission, the words contained in my statement—"in which he has pointed out to me the *practice* of the Treasury Department *whereby* he"—and had then continued with the words he did quote, my statement would have read as follows:

In which he has pointed out to me the practice of the Treasury Department, *whereby* he himself admits that the provisions under which this appropriation is made have been violated year after year for a number of years in his own department.

[Applause.]

In that case it would have been very plain to this House and to the country that my statement with reference to the admission of the Secretary was a conclusion from the Secretary's statement of the practice in the Treasury Department with reference to the Secret Service and not, as stated by the President, a statement of fact or an express admission upon the part of the Secretary of the Treasury. The omission by the President of the word "*whereby*," whether intentional or not, entirely changes the purport and meaning of my statement and conveys the impression that I deliberately misrepresented to the House that the Secretary in his letter had expressly admitted "that the provisions under which the appropriation is made have been violated year after year for a number of years in his own department." Further comment is not necessary.

STATEMENT CONCERNING INK INVESTIGATION ALSO MISQUOTED.

Again, on page 14 of the message of the President, in referring to the "ink-contract fraud in the Bureau of Engraving and Printing," the President says:

Mr. TAWNEY stated in the debate that this was not investigated by the Secret Service but by a clerk "down there," conveying the impression that the clerk was not in the Secret Service.

Again, I regret that I am obliged to call public attention to the fact that the President of the United States has misquoted what I said. In referring to the ink-contract fraud investigation, Mr. BENNET of New York, on page 5560, first column, of the CONGRESSIONAL RECORD, May 1, 1908, said:

Well, it is a great deal more recent than the case my colleague [Mr. FITZGERALD] cited. They found there was trouble there, and they took and put a secret-service man at work there and found how the Government had been defrauded out of \$45,000 by a man from my own city.

Mr. TAWNEY. Will the gentleman now permit me to correct him there? That work was not done by the secret-service men. That work was done by a clerk in the office who has since been promoted in recognition and as a reward for that service.

At the time we were discussing the secret-service office in the Treasury Department, and the clerk referred to by me was in that office, then holding the position of chief clerk, and is the same identical person of whom the President says:

As a matter of fact he was in the Secret Service; his name was Moran, and he was promoted to assistant chief for the excellence of his work in this case.

Both the President and myself refer to the same man and the promotion of this man as a reward for the service thus performed. This is manifest from the language employed by me. The promotion to which the President refers was a promotion made upon the recommendation of the Committee on Appropriations, and was referred to by me in answer to Mr. BENNET, who made the statement that I was mistaken about the clerk having made the investigation of this ink-contract fraud, when I said:

We carried in the appropriation two years ago a provision promoting him as a reward for his service.

To this Mr. BENNET replied:

I am glad he received the promotion.

CONCEPTION OF DUTY OF A REPRESENTATIVE.

Mr. Speaker, I have served in this House too long to make it necessary for me to defend myself against the statement of any man that I either have or would mislead its membership by misrepresenting facts in order to secure the enactment of any legislation. [Loud applause.] By my record I must be judged and must stand or fall before the people who have honored me with a seat in this, the greatest legislative body in the world. I knew when this provision was under consideration, as many other members did, that it was the opinion of the Treasury Department and the Chief Executive that this restriction was unwise. But I also knew that they were looking at the matter only from the standpoint of employing the Secret Service of the Treasury Department in all of the departments of the Government, regardless of the authority of those other departments to employ under their own control such secret service as they deemed necessary.

It was my mature judgment, after a careful investigation of all the facts and looking to the best and most economic administration of the public service, that the limitation proposed by me and my committee should be adopted, and it was upon my judgment, and my judgment alone, that I acted. In this respect I may differ from some of my associates, but ever since I became a Member of this House I have conceived it to be my duty as a Representative to be governed by my judgment and not by the opinion of another. I have tried to follow, in the discharge of my duty, the criterion laid down by that distinguished English statesman, Edmund Burke, who, when addressing his constituents at Bristol, November 4, 1774, said:

It should be the glory as well as the honor of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes should at all times have great weight with him, their opinions high respect, their business unremitted attention.

But his mature opinion, his unbiased judgment, his enlightened conscience, he should not surrender to you, to any man, or to any set of men living. These he does not derive from you, nor from the law or the constitution; they are a gift from Providence, for the abuse of which he is deeply answerable. Your representative owes you not only his industry, but his judgment, and he is betraying instead of serving you when he sacrifices that judgment to the opinions of another.

[Loud and long-continued applause.]

Appropriations made at the last session of Congress for the service of the fiscal year 1909 to prevent frauds in and depredations upon the several branches of the public service, to protect public lands from fraudulent entry, and to apprehend and punish other violators of the law; also increases made in certain of such appropriations over the sums appropriated for like purposes at the previous session of Congress for the fiscal year 1908.

IN SUNDRY CIVIL ACT.

For all authorized expenditures necessary in the execution of laws to regulate commerce, of which sum not exceeding \$50,000 may be expended in the employment of counsel, and not exceeding \$3,000 may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding \$1,500 may be expended for printing other than that done at the Government Printing Office

\$700,000.00

To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners

350,000.00

To carry out the objects of the "Act concerning carriers engaged in interstate commerce and their employees," approved June 1, 1898

10,000.00

To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, and to execute and enforce the requirements of the said act, including the employment of inspectors. Hereafter all inspectors employed for the enforcement of said act shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General

100,000.00

(The foregoing appropriations under Interstate Commerce Commission, \$1,160,000, are an increase of \$406,765 over the amount appropriated for 1908.)

GENERAL INSPECTOR OF SUPPLIES FOR PUBLIC BUILDINGS: For 1 general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be to inspect public buildings under the control of the Treasury Department, and report on the efficiency of the custodial forces, and the use of fuel, lights, water, miscellaneous supplies, etc., \$3,000, and for actual necessary traveling expenses, not exceeding \$2,000; in all

5,000.00

INSPECTOR OF FURNITURE AND OTHER FURNISHINGS FOR PUBLIC BUILDINGS: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, \$2,500; and for actual necessary traveling expenses, including actual traveling expenses of assistant, not exceeding \$3,000; in all

5,500.00

For assistant inspector of furniture and other furnishings for public buildings	\$1,600.00	4, 1907, shall be available during the fiscal year 1909, and an additional appropriation of \$250,000 made for the same purposes	\$250,000.00
SUPPRESSING COUNTERFEITING AND OTHER CRIMES: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including \$1,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever, except in the protection of the person of the President of the United States	115,000.00	For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records: <i>Provided</i> , That in so far as it may be deemed necessary by the Attorney-General, this appropriation shall be available for such expenses in the district of Alaska	560,000.00
PUNISHMENT FOR VIOLATIONS OF INTERNAL-REVENUE LAWS: For detecting and bringing to trial and punishment, persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations	125,000.00	(An increase of \$20,000 over the appropriation for 1908.)	
(An increase of \$25,000 over the appropriation for 1908.)		For payment of assistants to the Attorney-General and of assistants to United States district attorneys, employed by the Attorney-General to represent the United States in naturalization and other proceedings and for other necessary expenses in connection with such proceedings and cases	150,000.00
For the detection and prevention of frauds upon the customs revenue	200,000.00	(An increase of \$50,000 over the appropriation for 1908.)	
(The foregoing appropriation amounted to \$100,000 for the fiscal years 1880-1905, and \$150,000 for fiscal years 1903 and 1907, and \$200,000 for 1908 and 1909.)		IN THE LEGISLATIVE, ETC., ACT.	
COMPENSATION IN LIEU OF MOETIES: For compensation in lieu of moieties in certain cases under the customs revenue laws	25,000.00	SECRET SERVICE DIVISION: For 1 chief, \$4,000; assistant chief, who shall discharge the duties of chief clerk, \$3,000; 1 clerk of class 4; 1 clerk of class 3; 2 clerks of class 2; 1 clerk of class 1; 1 clerk, \$1,000; and 1 attendant, \$720	16,120.00
(An increase of \$5,000 over the appropriation for 1908.)		For salaries of special agents, and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositories, including national banks acting as depositories under the requirements of section 3649 of the Revised Statutes of the United States, also including examinations of cash accounts at mints	3,000.00
ALASKA SEAL FISHERIES: For salaries of agents at seal fisheries in Alaska, as follows: For one agent, \$3,650; one assistant agent, \$2,920; two assistant agents, at \$2,190 each; janitor service at the Government buildings at the Pribilof Islands, not exceeding \$480; in all	11,430.00	Two special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at \$2,500 each	5,000.00
ENFORCEMENT OF THE CHINESE-EXCLUSION ACT: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation	500,000.00	For per diem in lieu of subsistence of 2 special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding \$3 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior	4,000.00
DEPREDACTIONS ON PUBLIC TIMBER, PROTECTING PUBLIC LANDS, AND SETTLEMENT OF CLAIMS FOR SWAMP LAND AND SWAMP-LAND INDEMNITY: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands and indemnity for swamp lands, to be immediately available, of which sum \$250,000 is for the purpose of bringing up the work of the General Land Office hereunder so as to make the same current: <i>Provided</i> , That agents and others employed under this appropriation shall be selected by the Secretary of the Interior and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares	500,000.00	Three inspectors of surveyors-general and district land offices, at \$2,000 each	6,000.00
(An increase of \$250,000 over the appropriation for 1908.)		For per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding \$3 per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office	7,000.00
EXPENSES OF HEARINGS IN LAND ENTRIES: For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, and of hearings in disbarment proceedings	35,000.00	For an additional force of 100 special examiners for one year at a salary of \$1,300 each, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified	130,000.00
(An increase of \$26,000 over the appropriation for 1908.)		For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said bureau, in lieu of expenses for subsistence, not exceeding \$3 per day, and for actual and necessary expenses for transportation and assistance, and any other necessary expenses, including telegrams	250,000.00
HARBOR OF NEW YORK: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City:		Division of post-office inspectors: Chief inspector, \$4,000; chief clerk, \$2,000; 3 clerks of class 4; 8 clerks of class 3; 12 clerks of class 2; 16 clerks of class 1; 15 clerks, at \$1,000 each; 14 clerks, at \$900 each; 3 assistant messengers; and 1 laborer; in all	90,620.00
For pay of inspectors, deputy inspectors, office force, and expenses of office, \$10,260; for pay of crews and maintenance of six steam tugs and one launch, \$75,000; in all	85,260.00	Six special agents, division of classification, at \$2,000 each	12,000.00
DEFENDING SUITS IN CLAIMS AGAINST THE UNITED STATES: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and in defending suits in the Court of Claims, including defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney-General	20,000.00	For per diem allowance for special agents, division of classification, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not exceeding \$4, and for other actual and necessary traveling expenses arising in connection with the business of the division of classification	7,000.00
DETECTION AND PROSECUTION OF CRIMES: For the detection and prosecution of crimes against the United States, preliminary to indictments; the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, for which purpose all the records and dockets of said officers, without exception, shall be examined by the agents of the Attorney-General at any time; the inspection of the United States prisoners and prisons; collection, classification, and preservation of criminal identification records, and their exchange with the officials of state and other institutions, to be expended under the direction of the Attorney-General, District of Columbia	30,000.00	For compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau, as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding \$4 per day to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares; in all	175,000.00
ENFORCEMENT OF ANTITRUST LAWS: That the balance of the appropriation of \$250,000, entitled "Enforcement of antitrust laws, 1907 and 1908," contained in the sundry civil appropriation act approved March		For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, \$3,500;	

assistant chief of division, \$2,500; 3 clerks of class 4; 3 clerks of class 3; 5 clerks of class 2; 7 clerks of class 1; 4 clerks, at \$1,000 each; 2 clerks, at \$900 each; 1 messenger; 1 assistant messenger; in all

For Division of Information established under section 40 of the act approved February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," namely: For chief of division, \$3,500; assistant chief of division, \$2,500; 2 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 3 clerks of class 1; 1 clerk, \$900; 1 messenger; in all

IN THE ARMY ACT.

CONTINGENCIES OF THE ARMY: For all contingent expenses of the army not otherwise provided for, and embracing all branches of the military service, including the office of the Chief of Staff, to be expended under the immediate orders of the Secretary of War

INSPECTOR-GENERAL'S DEPARTMENT: For pay of officers in the Inspector-General's Department

For additional pay to such officers for length of service, to be paid with their current monthly pay

For pay of expert accountant for the Inspector-General's Department

IN THE INDIAN ACT.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic in intoxicating liquors among Indians

To enable the Commissioner of Indian Affairs, from time to time as he may deem necessary, to detail clerks from his office to make special investigations in the field: *Provided*, That while thus absent from Washington under such detail they shall receive a per diem of \$3 to cover all expenses, exclusive of transportation and sleeping-car fares

For pay of 8 Indian inspectors, 2 of whom shall be engineers, 1 to be designated as chief, competent in the location, construction, and maintenance of irrigation works, at \$2,500 per annum each, except the chief engineer, who shall receive \$3,500

For traveling expenses of 8 Indian inspectors, at \$3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days

For services of officers, at \$25 per month each, and privates, at \$20 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at \$3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of special agents, at \$2,000 per annum each

(An increase of \$10,000 over the appropriation for 1908.)

In the diplomatic and consular act.

EXPENSES UNDER THE NEUTRALITY ACT.

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes

For salaries of five consular inspectors, at \$5,000 each

For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State

IN THE POST-OFFICE ACT.

FOR SALARIES OF POST-OFFICE INSPECTORS: For salaries of 15 inspectors in charge of divisions, at \$3,000 each; 10 inspectors, at \$2,400 each; 15 inspectors, at \$2,250 each; 15 inspectors, at \$2,000 each; 10 inspectors, at \$1,800 each; 130 inspectors, at \$1,600 each; 110 inspectors, at \$1,400; and 50 inspectors, at \$1,200; in all

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domi-

cile, for a period not exceeding twenty consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more

For compensation to clerks and laborers at division headquarters, 15, at \$1,600 each; 9, at \$1,400 each; 27, at \$1,200 each; 8, at \$1,100 each; 13, at \$1,000 each; 5, at \$900 each; and 2, at \$660 each; in all

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance

For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes

For necessary miscellaneous expenses at division headquarters

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: *Provided*, That of the amount herein appropriated not to exceed \$5,000 may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals

In the District of Columbia act.

FOR METROPOLITAN POLICE.

For major and superintendent, \$4,000; assistant superintendent, with rank of inspector, \$2,500; 3 inspectors, at \$1,800 each; 10 captains, at \$1,500 each; chief clerk, who shall also be property clerk, \$2,000; clerk, \$1,500; 3 clerks, at \$1,000 each; 4 surgeons of the police and fire departments, at \$600 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, \$4,800, or so much thereof as may be necessary; 12 lieutenants, 1 of whom shall be harbor master, at \$1,320 each; 45 sergeants, 1 of whom may be detailed for duty in the harbor patrol, at \$1,250 each; 431 privates of class 3, at \$1,200 each; 123 privates of class 2, at \$1,080 each; 105 privates of class 1, at \$900 each; for amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1909, \$8,303.35; 6 telephone operators, at \$600 each; janitor for police headquarters for July, 1908, \$60; 14 janitors, at \$600 each; messenger, \$700; messenger, \$500; major and superintendent, mounted, \$240; inspector, mounted, \$240; 55 captains, lieutenants, sergeants, and privates, mounted, at \$240 each; 64 lieutenants, sergeants, and privates, mounted, on bicycles, at \$50 each; 26 drivers, at \$720 each; and two police matrons, at \$600 each; in all

IN THE NAVAL ACT.

CONTINGENT, NAVY: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper

IN THE PENSION ACT.

For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes

Total

Increase in certain of foregoing appropriations for 1909 over 1908

Appropriations made at the last session of Congress for the service of the fiscal year 1909 to be used in whole or in part to prevent frauds in and depredations upon the several branches of the public service, to protect public lands from fraudulent entry, and to apprehend and punish other violators of law; also increases made in certain of such appropriations over the sums appropriated for like purposes at the previous session of Congress for the fiscal year 1908.

IN THE LEGISLATIVE, ETC., ACT.

For salaries and expenses of collectors of internal revenue, and deputy collectors, and surveyors, and clerks, messengers, and janitors in internal-revenue offices

For salaries and expenses of 40 revenue agents provided for by law, and fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers

To carry out the provisions of the act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," as amended by the act of March 2, 1907. And for the employment of such additional force of chemists, internal-revenue agents, inspectors, deputy collectors, clerks, laborers, and other assistants as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem proper and necessary to the prompt and efficient operation and enforcement of this law, and for the purchase of locks, seals, weighing beams, gauging instruments, and for all necessary expenses incident to the proper execution of this law

DEPARTMENT OF LABOR: Six special agents, at \$1,600 each; 8 special agents, at \$1,400 each; 4 special agents, at \$1,200 each

For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed \$3 per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor, and for subvention to "International Association for Labour Legislation," and necessary expenses connected with representation of the United States Government therein

\$64,090.00

PERMANENT APPROPRIATIONS.

SALARIES OF STEAMBOAT INSPECTORS AND CLERKS: Indefinite appropriation to pay salaries of the Supervising Inspector-General, supervising inspectors, local inspectors, and assistant inspectors of steam vessels, and clerks of steamboat inspectors, under the acts of June 19, 1886, and April 4, 1888, as amended by the acts of March 1 and 2, 1895, and April 21, 1898, and June 2, 1900 (appointments authorized by secs. 4402, 4404, and 4414, Rev. Stat.), amended by act approved March 3, 1905, and further amended by act of April 9, 1906.

460,000.00

CONTINGENT EXPENSES, STEAMBOAT-INSPECTION SERVICE: Indefinite appropriation for the payment of fees to United States marshals and witnesses (sec. 4451, Rev. Stat.), and traveling and other expenses, when on official duty, of the Supervising Inspector-General, supervising inspectors, local and assistant inspectors, and all instruments, furniture, and other things necessary to carry into effect the provisions of Title 52, Revised Statutes (sec. 4461, Rev. Stat.), under the act approved April 4, 1888, amending the act of June 19, 1886, as amended by the acts of March 1, 1895, February 15, 1897, March 3, 1905, and April 9, 1906.

110,000.00

EXPENSES OF REGULATING IMMIGRATION: For expenses of regulating the immigration of aliens into the United States, including salaries and expenses of all officers, clerks, inspectors, and other employees, permanently appropriated annually.

2,500,000.00

IN THE ARMY ACT.

INCIDENTAL EXPENSES: Postage; cost of telegrams on official business received and sent by officers of the army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners, and for noncommissioned officers of the United States military prison guard; for expenses of express to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the 21st day of April, 1898; authorized office furniture, hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and clerks, foremen, watchmen, and organist for the United States military prison, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than \$50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of \$5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horse-shoes and blacksmith's tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the army, and at military posts, and not expressly assigned to any other department.

2,200,000.00

IN THE AGRICULTURE ACT.

GENERAL EXPENSES, FOREST SERVICE: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of

the United States; to investigate and test American timber and timber trees, and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings; *Provided*, That the cost of any building erected shall not exceed \$500; to pay all expenses necessary to protect, administer, and improve the national forests; and hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to national forests, shall aid the other federal bureaus and departments on request from them, in the performance of the duties imposed on them by law; to ascertain the natural conditions upon and utilize the national forests, and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska in which said forests are respectively situated; *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the forester shall certify that the ravages of the destructive insects in said forest are practically checked, but in no case after July 1, 1910; to stock and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the District of Columbia or elsewhere; and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department; to collate, digest, report, illustrate, and print the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding \$500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the District of Columbia and elsewhere.

\$3,151,000.00

(Estimated increase of \$1,951,900 over permanent appropriation for 1908.)

PERMANENT APPROPRIATION.

MEAT INSPECTION, BUREAU OF ANIMAL INDUSTRY: There is permanently appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses of the inspection of cattle, sheep, swine, and goats, and the meat and meat-food products thereof which enter into interstate or foreign commerce, and for all expenses necessary to carry into effect the provisions relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year.

3,000,000.00

PURE FOOD: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, and supplies, repairs to engine and apparatus, gas and electric current, official traveling and other expenses, telegraph and telephone service, express and freight charges, labor and expert work and all necessary expenses in conducting investigations in this bureau in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such investigations; for the rent of buildings in the city of Washington and elsewhere; to continue collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; to demonstrate and illustrate the methods for the making of denatured alcohol on a scale suitable for utilization by the farmer, or associations of farmers; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; for all expenses necessary to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named.

760,000.00

(Increase of \$110,000 over appropriation for 1908.)
EXPENSES OF UNITED STATES COURTS: For expenses of United States courts, other than the sums for miscel-

laneous expenses, and for assistant attorneys in naturalization cases noted elsewhere, and including salaries and expenses of marshals, deputy marshals, United States attorneys, assistant attorneys, fees of witnesses and jurors, support of penitentiaries, etc.— \$6,641,580.00
(Increase of \$769,760 over appropriations for 1908.)

Total 23,588,170.00

Increase in certain of foregoing appropriations for 1909 over 1908 2,831,660.00

Mr. LLOYD. Mr. Speaker, I rise for the purpose of asking unanimous consent that Messrs. SHERLEY, SMITH of Iowa, and FITZGERALD each be permitted to address the House at the present time in the following order, without reference to how they may feel in regard to this resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Iowa [Mr. SMITH], the gentleman from New York [Mr. FITZGERALD], and the gentleman from Kentucky [Mr. SHERLEY] may be permitted to address the House, without reference to their opinions as to the resolution pending.

Mr. DRISCOLL. Mr. Speaker, is it intended that they shall talk to the resolution, or on something else?

The SPEAKER. The Chair understands the request to be in regard to the rules of recognition governing the Chair, not otherwise to interfere with the rules of the House. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Speaker, occupying a somewhat different position than most of the Members of the House relative to the messages of the President that are the subject of the resolution offered by the special committee, inasmuch as my remarks made during the debate in the House last year relative to the Secret Service are referred to and relied on by the President in his response to the House, it has seemed proper to me that I should not only speak to these resolutions affecting the House as a whole, but also make a rejoinder to the message itself.

That a grave breach of the privileges of the House, and thereby a grave injury to the country has been committed by the President would seem to be apparent to anyone capable of understanding the English language, and no response to the previous resolution of the House could be accepted that did not contain a withdrawal of the offensive language objected to and an apology therefor. Instead of such a response, however, the President has declared that the language used by him does not mean what it plainly says, and an effort is made to change the issue existing between the House and the Executive.

That issue plainly is this: Was the Executive warranted in impugning the motives of the House in enacting legislation that was believed by him to be unwise? No amount of special pleading, no recital of the valuable services rendered by the Secret Service can serve to divert the issue, and to attempt to answer such an issue by a disclaimer of any intention to offend while repeating the offensive language is to add further insult. [Applause.] The question as to the wisdom of the action of the House in adopting the legislation complained of by the President is entirely distinct from the charge of a corrupt motive on the part of the House in so legislating.

The President in his annual message used this language:

The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by the secret-service men. Very little of such investigation has been done in the past; but it is true that the work of the secret-service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so, in my belief, we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable, a special exception could be made in the law prohibiting the use of the secret-service force in investigating members of Congress. It would be far better to do this than to do what actually was done, and strive to prevent or, at least, to hamper effective action against criminals by the executive branch of the Government.

Now, to what do the significant words "if this is not considered desirable" relate? Clearly to the affirmative statement that we (the executive) should be given ample means to prosecute them (to wit, criminals) in the legislative branch. Plainly the meaning is that if it is not considered desirable that the Executive should be given ample means to prosecute criminals in the legislative branch, then—and here is the final stigma—"a special exception could be made in the law prohibiting the use of the secret-service force in investigating members of the Congress," and, mark you, the President adds: "It would be far better to do this than to do what actually was done, and strive to prevent or, at least, to hamper effective action against criminals by the executive branch of the Government." In other words, he says if Congress is determined to protect its own crim-

inals, it should at least permit the Executive to punish the other criminals outside that body, and not strive to prevent or hamper even this.

But further analysis is needless. How any person can carefully read the language I have quoted and come to any other conclusion than that the President deliberately libeled the House I am unable to understand.

It being apparent that a stigma was placed upon the membership of the House, but two answers were open to the President: First, to prove that the stigma was deserved, or secondly, like a brave man, to withdraw the offensive language and apologize to the House. The President has done neither. He expressly says:

If I had proof of such corruption affecting any Member of the House in any matter as to which the Federal Government has jurisdiction, action would at once be brought.

In the light of the present circumstances, does anyone doubt for a moment that the President is absolutely without proof—even as he judges proof—of wrongdoing of any Member of Congress? And the only course left him was, as I have stated, to have apologized. But, unfortunately, instead of so doing, he has, in his reply to the resolution of the House, distorted out of all true proportion the real debate had in the House relative to the Secret Service, and then, by an elaborate argument as to the merits of such service, sought to obscure the real issue. The issue is not, Does Congress desire the Government to have the most efficient instrument to run down criminals or does it not? When Congress comes to legislate touching the Secret Service, there will then arise the very important question of how to so regulate that service as to retain its proper efficiency in the detection of crime with the least possible opportunity for its misuse, and as to that question I shall speak later.

But I now repeat that the issue now between the President and this House is: Was the President warranted in impugning the motives of the House in enacting this legislation? Had the President confined himself to a discussion of the wisdom of the action of Congress in passing the legislation, no exception could have been taken by Congress, however it might have differed with him. But, believing as I do that the President's message was an insult and that his response to the resolution of the House has aggravated his offense, I think it incumbent upon the House that it treat the two messages, as urged by the special committee, by adopting a resolution that they be laid on the table. Such action is a proper rebuke, and is notice that the House of Representatives of the American Congress will not tolerate such a flagrant breach of its rights to pass unnoticed, but will ever guard the honor of its name.

Mr. Speaker, I have presented briefly what I, as simply a Member of this House, believe to be its plain duty and my reasons therefor. I shall now make my rejoinder to that portion of the President's last message as seeks to justify his previous message by a recital of what he states to have been the argument made by myself in the discussion in the House last year.

The President apparently pays me the high compliment of saying in effect that my argument was the only real one made by the advocates of the limitation adopted. It would indeed be a real compliment were it not for the fact that he shows a complete failure on his part to understand the argument as a whole, or to ascribe to its different parts their true relative value. Doubtless the President refrained from quoting actually what I said and contented himself with a statement of what he conceived it to be, in the interest of brevity of speech, but that there may be had a real understanding of what I did say, I shall, at the risk of sacrificing brevity, read the whole of my remarks, not only that portion referred to by the President, but also the remaining, and by far the larger, portion not referred to by the President.

Before, however, doing this it might be well to clear away some of the brush piled up in the President's reply. First, as to the article written by Mr. Busbey some five years ago, I have never seen this article and my first knowledge of its language was obtained from hearing read the President's message last Monday. Second, as to the letter of the President to the Speaker of the House, I never knew of the existence of such a letter until informed of it by the President's message. Since the giving public of its contents by the President, I have seen the original letter which is marked "personal." Naturally, I could not be expected to be familiar with the personal correspondence of the President of the United States with the Speaker of the House.

Third, as to the letter of the Secretary of the Treasury, the Hon. G. B. Cortelyou, to the chairman of the Committee on Appropriations. I never saw this letter until some two weeks ago, after the annual message of the President was sent to Congress.

It may not be amiss to state, also, that as a minority Member of the House, I have never been honored by having the President discuss this or other important matters of legislation with me, and could not know of his views on the subject.

I mention these facts, Mr. Speaker, that the motives for my action may not be misjudged by virtue of the President's insertion into the controversy of matters that are, as to me, entirely extraneous. I do not know that I should have altered my position relative to the Secret Service by having had the viewpoint of the President; for while I should consider with respect any position taken by any President of the United States touching important legislation, I hold it to be the high duty of a member of Congress to give his constituents not only his industry, but his own judgment, and I am yet to be convinced that the information conveyed, either in the President's letter to the Speaker or in the letter of Secretary Cortelyou, warrants the conclusion that the action of the House was unwise.

Now, as to the real arguments advanced by myself in debate. The President divides the arguments used by the advocates of the limitation into two classes. He says:

One concerned the question whether the law warranted the employment of the Secret Service in departments other than the Treasury, and this did not touch the merits of the service in the least. The other line of argument went to the merits of the service, whether lawfully or unlawfully employed, and here the chief if not the only argument used was that the service should be cut down and restricted because its members had "shadowed" or investigated members of Congress and other officers of the Government.

In passing, it may be noticed with what disdain the President speaks of the argument as to the legality of the then use made of secret-service men. The President then refers to the remarks of my colleagues, Messrs. TAWNEY, SMITH, and FITZGERALD. Inasmuch as these gentlemen themselves reply to this portion of the message, I shall not deal with it, but come to the direct reference to myself. The President says:

A careful reading of the CONGRESSIONAL RECORD will also show that practically the only arguments advanced in favor of the limitation proposed by Mr. TAWNEY's committee, beyond what may be supposed to be contained by implication in certain sentences as to "abuses" which were not specified, were those contained in the repeated statements of Mr. SHERLEY. Mr. SHERLEY stated that there had been "pronounced abuses growing out of the use of the Secret Service for purposes other than those intended," putting his statement in the form of a question, and in the same form further stated that the "private conduct" of "Members of Congress, Senators," and others ought not to be investigated by the Secret Service, and that they should not investigate a "member of Congress" who had been accused of "conduct unbecoming a gentleman and a member of Congress." In addition to these assertions couched as questions, he made one positive declaration, that "this Secret Service at one time was used for the purpose of looking into the personal conduct of a member of Congress." This argument of Mr. SHERLEY, the only real argument as to the merits of the question made on behalf of the Committee on Appropriations will be found in columns 1 and 2 of page 5556, and column 1 of page 5557 of the CONGRESSIONAL RECORD. In column 1 of page 5556 Mr. SHERLEY refers to the impropriety of permitting the secret-service men to investigate men in the departments, officers of the army and navy, and Senators and Congressmen; in column 2 he refers to officers of the navy and members of Congress; in column 1 of page 5557, he refers only to members of Congress. His speech puts most weight on the investigation of members of Congress.

Before analyzing this statement, I shall read my remarks in their entirety, together with such of the remarks of other gentlemen as are necessarily connected with them, viz:

Mr. BENNETT of New York. Mr. Chairman, I shall feel constrained to make the point of order, but I think I ought to say that I sympathize with the efforts of the committee to make definite and certain that kind of employment. There is no law whatever on the statute books for a secret-service division. This provision has been carried here for forty-three years, and from time to time changed to cover other branches of the government work in other departments.

Mr. SHERLEY. Has not every change that has been made since the establishment of that Secret Service been a change looking to limiting it to the purpose for which it was established?

Mr. BENNETT of New York. It has been just the opposite.

Mr. SHERLEY. If the gentleman will point to a single instance where the change has been to enlarge it, other than for the protection of the President and the bounty act, I shall be glad to see it.

Mr. BENNETT of New York. Those are the only two there are.

Mr. SHERLEY. Oh, no; the gentleman will find a very broad provision there.

Mr. SMITH of Iowa. At one time it said "other felonies against the United States."

Mr. SHERLEY. Does not the gentleman from New York know that in the past history of this Secret Service there have been pronounced abuses growing out of the use of the Secret Service for purposes other than those intended?

Mr. BENNETT of New York. The gentleman does not know those things.

Mr. SHERLEY. The gentleman is not very fully informed on the subject, then.

Mr. BENNETT of New York. There are many subjects on which the gentleman is not fully informed.

Mr. SHERLEY. The gentleman from Kentucky is perfectly willing to admit that.

Mr. BENNETT of New York. The gentleman from New York is endeavoring to obtain the information which the committee has on the subject.

Mr. SHERLEY. That is very proper.

Mr. BENNETT then refers, in a colloquy with Mr. TAWNEY, to a case in the Navy Department; and after a few questions and

answers with Mr. CLARK of Missouri the following questions and answers occur, viz:

Mr. SHERLEY. Will the gentleman from New York indicate what kind of private conduct by an officer of the Government he considers should be investigated by the Secret Service, and should it apply to officers of the navy, to officers of the army, men in the departments, Members of Congress, Senators, or what shall be the line?

Mr. BENNETT of New York. I shall not attempt to answer any such blanket question as that.

Mr. SHERLEY. Well, I will make it a little less of a blanket.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERLEY. I ask that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks that the time of the gentleman from New York be extended five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. Will the gentleman indicate what private conduct of an officer or employee of the Government should be investigated at the instigation of the head of any department of this Government?

Mr. BENNETT of New York. None whatever, except such as affect him in his public capacity.

Mr. SHERLEY. That is a statement that does not mean anything. What does the gentleman consider should be the class of conduct, and who is to be the judge of whether it affects him in his public or private capacity? Does the gentleman think that heads of departments should have the right to determine, and if they so determine that the private conduct of the individual affects him in his public capacity, shall they investigate the matter with secret-service men?

Mr. BENNETT of New York. I think this navy case, the history of which some gentlemen here are familiar with—

Mr. SHERLEY. What are the facts in that case?

Mr. BENNETT of New York. Without telling any names, I am ready to state the facts. Here is a case where a naval officer of previous very high and irreproachable character, so far as the department knew, was absent on leave. There came to the office of the Acting Secretary of the Navy one day a very estimable lady of Washington, who charged that gentleman with conduct unbecoming an officer and a gentleman, to wit, that he had abducted her daughter. The Secretary of the Navy exhausted the ordinary means within the navy of ascertaining the whereabouts of that officer.

Mr. SMITH of Iowa. Was not her daughter a married woman?

Mr. BENNETT of New York. That makes it worse. [Laughter.]

Mr. SMITH of Iowa. I am trying to get all the facts; she was a married woman?

Mr. BENNETT of New York. Certainly; after the Secretary of the Navy had exhausted all the means at his command, he called in either one or two, I don't know which, secret-service officers, who simply, after a lapse of a few days, reported to the Secretary of the Navy—

Mr. SMITH of Iowa. A few days of shadowing, I suppose the gentleman means?

Mr. BENNETT of New York. I do not. After a few days investigating, to find out where he was, they reported that he was at a certain place, and there their connection with the case ended. The Secretary of the Navy sent for the naval officer, and he was subsequently separated from the service. I maintain that in a case like that the Secretary of the Navy, or the head of any other department, for instance, the Secretary of War, has the right to do that.

Mr. SHERLEY. Then, whenever a charge is made against any officer, on leave or not on leave, that he has been guilty of conduct unbecoming a gentleman and an officer, the Secretary of the Navy is warranted in employing the secret-service men to shadow that man in order to prove whether those charges are well founded or not.

Mr. BENNETT of New York. Not at all; and I do not so state.

Mr. SHERLEY. Then, let us find out the gentleman's point.

Mr. BENNETT of New York. I stated that the Secretary of the Navy desired to locate the officer, and that he was unable through the officers of the Navy Department and through the regular channels—

Mr. SHERLEY. The man was on leave.

Mr. BENNETT of New York. Yes.

Mr. SHERLEY. He had a right to be away.

Mr. BENNETT of New York. On leave, and he was charged with a serious and most grave crime.

Mr. SHERLEY. But let us not confuse the issues.

Mr. BENNETT of New York. That is part of the issue.

Mr. SHERLEY. The man was on leave.

Mr. BENNETT of New York. Yes.

Mr. SHERLEY. And the gentleman thinks the Secretary of the Navy was warranted in putting a secret-service man on that man's trail?

Mr. BENNETT of New York. I think he was not only justified but that it is his duty—an officer of the navy being charged with crime, whether on leave or on duty—to send for that officer, to start investigations, to court-martial him, and if he is guilty to separate him from the service.

Mr. SHERLEY. That does not necessarily involve, and heretofore has not involved, the use of a secret-service man.

Mr. BENNETT of New York. It may not be necessary, but it did in this case involve it, and it has in other cases involved it, and I think that when these rare cases arise—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNETT of New York. I would like to have two minutes more.

Mr. SHERLEY. I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Does the gentleman think that if the accusation was made against a member of Congress that he has been guilty of conduct unbecoming a gentleman and a member of Congress that a department would be warranted in investigating his conduct by a secret-service man?

Mr. BENNETT of New York. The gentleman is a gentleman of very high erudition, and he knows, of course—

Mr. SHERLEY. Well, let us dispense with the compliments and get down to the case.

Mr. BENNETT of New York. Very well. Now, I will give the gentleman some facts. [Laughter.]

Mr. SHERLEY. I am prepared to admit that anything that adduces a fact from the gentleman is warranted.

Mr. BENNETT of New York. Very well. He knows, as we all know who are lawyers and have given any thought to the subject, that we are not federal officers; that we are not state officers; that we are a component part of the Government. There is nobody over us. We are the Congress of the United States and the judges of our own conduct.

Mr. PARKER of New Jersey. Is it not true in the navy that it is a part of the standing regulations that a man must never go on leave so

that his address shall not be known to the department? He has to be where they can find him, if he is required for duty, at a moment's notice.

Mr. BENNET of New York. That ought to be the regulation, whether it is or not.

Mr. PARKER of New Jersey. It is.

Mr. BENNET of New York. I am glad to find that it is. And when this man could not be found, in obedience to that regulation, I say it was the duty of the Secretary of the Navy in that case, himself a gentleman of the highest character, to find this man and give him a chance to face his accusers and his accusers a chance to face him.

Mr. SHERLEY. The gentleman must be aware of the fact that this Secret Service at one time was used for the purpose of looking into the personal conduct of a Member of Congress, notwithstanding the gentleman seems to think they are answerable to no one.

Mr. BENNET of New York. The gentleman is not aware of anything of that kind. As far as the gentleman has investigated, it has been denied.

Mr. SHERLEY. But that was the fact.

Mr. BENNET of New York. The allegation was made, if the gentleman will permit, that that particular investigation was made not by a member of the Secret Service, but by a police officer of the city of Washington, who, when it was ascertained that he had done that, was summarily dismissed from the police force. The gentleman from New York has heard that.

Mr. SMITH of Iowa. Does the gentleman know the origin of this remarkable language, "for no other purpose whatever," in this section?

Mr. BENNET of New York. The gentleman from New York is not informed as to that. The statute is forty-three years old.

Mr. SMITH of Iowa. Not this part of it.

Mr. BENNET of New York. The gentleman from New York does not even know that. The gentleman from New York is confining his remarks to the matters which he does know.

Mr. SMITH of Iowa. That is very satisfactory.

This covers the remarks made by me in the way of a colloquy with Mr. BENNET, and covers all my remarks referred to by the President. But on the next page of the CONGRESSIONAL RECORD, to wit, page 5558, will be found the argument I made in my own time, and which illustrates plainly my position at that time, viz:

Mr. SHERLEY. Mr. Chairman, the possibilities of abuse of such a system as has grown up, and that this amendment is intended to correct, to my mind more than outweighs any inconvenience that may happen to a department. The gentleman from New York goes on the assumption that it is necessary for the departments to have secret-service men. I am not quite prepared to admit that proposition, at least as a general proposition; and if it be true that they need, for certain purposes, to have secret-service men, they should come to Congress and get authorization by Congress for the employment of this class of men. There is always a tendency on the part of bureau government to use such means as these to carry out what they consider to be the legitimate purposes of their creation, but there may be, and frequently is, very great difference of opinion as to what is a legitimate purpose. The gentleman from New York thinks that the Secretary of the Navy properly employed secret-service men in order to find out the details concerning a scandal in connection with a naval officer.

Mr. BENNET of New York. "The gentleman from New York" did not say that.

Mr. SHERLEY. I am simply taking the statement of the gentleman and the facts of the case, and I understood him to justify the action of the Secretary.

Mr. BENNET of New York. In locating the man.

Mr. SHERLEY. But the location of the man was not a question with the department, to know where that man was while on leave; but the location of the man by the Secret Service was really for the purpose of making charges against him in connection with some scandalous conduct of his. Now, I deny that it is the business of the Secretary of the Navy, or the Secretary of War, or any other secretary to employ secret-service men to dig up the private scandals of men.

I do not mean to uphold the scandals, but I do not believe this country has reached a point where it needs that sort of supervision over men's conduct by Government and by secret-service methods. That is the reason I am opposed to it. Let the departments come openly. They have been evading the plain spirit of the law, and they know it. There is not a man who can justify what has been done in the face of that statute. The statute expressly says that these men shall be used for certain enumerated purposes, and for none other. Now, they could not avoid the meaning of that statute, and so they try to circumscribe it by detailing, by dropping men from the rolls temporarily, in order that they may be picked up by other departments, and they frankly confess that they keep on their rolls a greater number than the needs of their service require in order that they may be able to detail those men to other departments. It is treating Congress and its laws with absolute contempt, and I desire to voice my protest against this attempt of the departments to determine what is necessary and legal, rather than to let the lawmaking part of the Government make that determination. I hope the limitation will prevail.

Immediately following my speech, Mr. DRISCOLL, of New York, spoke, and, among other things, said:

They (the departments other than the Treasury) may need the services of detectives for certain purposes.

To this I replied:

If they have such need, why not let them present the need to Congress and have Congress authorize it?

And again I make the same rejoinder in these words:

You are acting on the assumption that the need exists. Now, if it exists, let the department show it and ask Congress to authorize it.

This covers in its entirety my remarks.

Let us now examine these remarks with reference to the President's statement that the chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men. The first reference of the President is to my statement that there had been pronounced abuses growing out of the Secret Service, and he says that I then stated in the form of a question that the "private conduct" of "Members of Congress," "Senators," and others

ought not to be investigated by the Secret Service, and further stated that they should not investigate a Member of Congress who had been "accused of conduct unbecoming a gentleman and a Member of Congress." Now, the President, not only by eliminating and subordinating several of my remarks, but also by ignoring the remarks of Mr. BENNET that called them forth, undertakes to convey the impression that the fear of secret-service investigation of Members of Congress was the dominant idea in my mind. The fact is that the whole purpose of my questions was to obtain from Mr. BENNET, the champion of that service, a definition of what he considered to be its proper functions, and this because of his statement of a case relative to a private scandal involving a naval officer, and which case he thought was a proper one for investigation by the Secret Service. Knowing something of that case, and having it in mind as one of "the pronounced abuses of the service," and Mr. BENNET approving of it, I was curious to know, and thought it well for the House to know, Mr. BENNET's view. I accordingly asked him this question:

Will the gentleman from New York indicate what kind of private conduct by an officer of the Government he considers should be investigated by the Secret Service, and should it apply to officers of the navy, to officers of the army, men in the departments, Members of Congress, Senators, or what shall be the line?

My question was purposely made broad in order to arrive at the full view point of Mr. BENNET. It was so broad that Mr. BENNET objected to it, and replied:

I shall not attempt to answer any such blanket question as that.

To this I answered:

Well, I will make it a little less of a blanket.

I then asked this question:

Will the gentleman indicate what private conduct of an officer or employee of the Government should be investigated at the instigation of the head of any department of this Government?

Here is no reference to a Member of Congress, yet if I had had Members of Congress chiefly in mind, I would have naturally eliminated other classes and referred only to them. Mr. BENNET's answer was that no conduct except such as affects him in his public capacity should be investigated.

Believing that his reply did not indicate anything, I said so to him, and he replied by citing the navy case. This was what I wished—to reach a definite case that he thought in point. I then asked him the facts as to the case. He stated them and upheld the use of the Secret Service. I was so surprised at his statement that I replied:

Then, whenever a charge is made against any officer, on leave or not on leave, that he has been guilty of conduct unbecoming a gentleman and an officer, the Secretary of the Navy is warranted in employing the secret-service men to shadow that man in order to prove whether those charges are well founded or not?

It will be noted that here I used Mr. BENNET's language, "of conduct unbecoming a gentleman and an officer." Mr. BENNET denied that I correctly stated his position, and after a running exchange of questions and answers, in order to again try to arrive at his position, I asked him this question; and on this single question rests entirely the assertion of the President that the chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated, and so forth. Listen to the question:

Mr. SHERLEY. Does the gentleman think that if the accusation was made against a member of Congress of conduct unbecoming a gentleman and a member of Congress that a department would be warranted in investigating his conduct by a secret-service man?

Mr. BENNET replied to this wonderful question, that contained in it the germ of this controversy, by saying that I knew, as all lawyers knew, that—

Members of Congress are not federal officers; that we are not state officers; that we are a component part of the Government. There is nobody over us. We are the Congress of the United States and the judges of our own conduct.

A view, by the way, that does not seem to be shared with him by the Chief Executive.

To this rejoinder I replied:

This Secret Service at one time was used for the purpose of looking into the personal conduct of a member of Congress, notwithstanding the gentleman seems to think that they are answerable to no one.

This statement, as is shown on its face, was made solely because of Mr. BENNET's previous statement, and it may not be amiss to here state that its accuracy can be verified by a reference to Senate Report No. 784, Forty-fifth Congress, third session. A reading of that report will show how the gossip of a corridor was seized upon by the Secret Service in an attempt to destroy a Senator of the United States and, while the report of the Senate committee states that the investigation by the Secret Service was requested by a Member of the House, the testimony shows that for days prior to his request the investigation was going on, and the suggestion was made to him

by the assistant chief of that service that he request the inquiry. I commend to the advocates of an unrestrained Secret Service a careful reading of this report.

Mr. Speaker, my apology for this tiresome recital of the colloquy between Mr. BENNET and myself is the importance given it by the President of the United States in his attempted justification of his original message.

Let me now, as briefly as may be, refer to what I consider the real argument made by myself. I believed that a secret-service force had inherently in it the possibilities of abuse, and the very case cited by the gentleman from New York [Mr. BENNET], touching a naval officer, and which was known to me, was evidence to my mind of its abuse, whatever the motive was that prompted its use in that case or the good accomplished. I knew that the language in the law that the money appropriated for this service should be used for the limited cases enumerated and "for no other purpose whatsoever" was not accidental, but that the words "for no other purpose whatsoever" had been inserted because of an abuse of the service; that it had followed the exposure of the wrongful use of the service set out in the Senate report I have referred to.

I knew that the spirit of this provision was being violated by the detailing of men from this service to other departments, and that the method employed was destructive of the expressed will of Congress. All this had appeared in the debate; and so very briefly, for I spoke in my own time less than five minutes, I called attention to the possibilities of abuse in the system that had grown up; how the tendency of the departments was to use means that they thought proper to carry out their purposes, without regard to the opinion of the lawmaking body. My experience in Congress had from day to day confirmed this conviction, and so I urged that this plain and flagrant violation of the law should be stopped. I knew of the hundreds of thousands of dollars we had appropriated to enable the Government to detect and punish crime; I knew then, and I know now, that the number of men employed by the Government in detective work outside this bureau exceeded many times the number in the Secret Service Bureau, and so I stated that the possibilities of abuse of the system that had grown up, to my mind outweighed any inconvenience to a department. In this conclusion I may or may not have been right, though I now believe that if the resolution that will be offered by the gentleman from Minnesota [Mr. TAWNEY] is adopted, the inquiry thereby started will demonstrate the correctness of my statement.

The very essence of my position was contained in one of the closing sentences of my speech when I said:

It is treating Congress and its laws with absolute contempt, and I desire to voice my protest against this attempt of the departments to determine what is necessary and legal rather than to let the law-making part of the Government make that determination.

I did not have in my mind at any time the fear of being investigated by secret-service men. I have no such fear now, but I have a pronounced repugnance to so being, and I trust the day may never come when I shall be so lacking in manhood as not to have such repugnance. [Loud applause.] In my judgment there was not a Member of this House who voted out of fear of being investigated by the Secret Service.

The President's stigma is gratuitous and without the shadow of an excuse. [Loud applause.] I shall not now enter into a recital of the various appropriations made by Congress to enable the Executive to enforce the laws of the land and detect and punish violators of them. This has and will be better done by my colleagues. Suffice it to say that the sums appropriated and provisions made by this Congress exceed that of any previous Congress during the entire life of the nation. [Applause.]

Mr. Speaker, when the resolution to be offered by the chairman of the Committee on Appropriations is adopted, and the investigation into the various secret-service bureaus of the Government is had, I trust we shall be in possession of such data as will enable Congress to fully deal with that subject-matter. Then will arise, not the question stated by the President, but the one I have mentioned, of how to so regulate the Secret Service as to retain its proper efficiency in the detection of crime, with the least possible opportunity for its abuse.

The President approaches this subject of the Secret Service from a diametrically opposite position to my own. His position he states thus:

Such a body as the Secret Service, such a body of trained investigating agents, occupying a permanent position in the government service and separate from local investigating forces in different departments, is an absolute necessity if the best work is to be done against criminals. It is by far the most efficient instrument possible to use against crime. Of course, the more efficient an instrument is the more dangerous it is if misused. To the argument that a force like this can be misused it is only necessary to answer that the condition of its usefulness, if handled properly, is that it shall be so efficient as to be dangerous if handled improperly. Any instance of

abuse by the Secret Service or other investigating force in the departments should be unsparingly punished, and Congress should hold itself ready at any and all times to investigate the executive departments whenever there is reason to believe that any such instance of abuse has occurred. I wish to emphasize my more than cordial acquiescence in the view that this is not only the right of Congress, but emphatically its duty. To use the Secret Service in the investigation of purely private or political matters would be a gross abuse.

If this statement is examined with care, it will be found to mean that the President considers that a secret-service department of government is not only an absolute necessity, but that the efficiency of its service is so great as to warrant its creation without restriction as to its use, trusting to the Executive to prevent abuse, and if such occurs, punishing unsparingly those guilty of the abuse. He states it frankly when he declares that—

To the argument that a force like this can be misused it is only necessary to answer that the condition of its usefulness, if handled properly, is that it shall be so efficient as to be dangerous if handled improperly.

I, on the contrary, believe it to be so dangerous an instrument as to warrant its creation for the use of an Executive only when it is so circumscribed as to prevent as far as possible its abuse. [Applause.]

These opposing ideas represent differences in the fundamental aspects of government. The one stands as the Anglo-Saxon conception of government, the other as the continental.

In my reading of history I recall no instance where a government perished because of the absence of a secret-service force, but many there are that perished as a result of the spy system. If Anglo-Saxon civilization stands for anything, it is for a government where the humblest citizen is safeguarded against the secret activities of the executive of the government. [Applause.] It stands as a protest against a government of men and for a government of law.

The history of England, from its beginning until now, is a history of rights, guarding the freedom of the individual from the tyranny of the Crown, secured and sealed in the blood of its patriots. From a government built solely on brute force it evolved into a government where the executive power was predicated on divine right; from that to a government resting upon the tyranny of law, despotically enacted and enforced, and out of that to government resting upon laws expressive of the will of the people, and honestly and openly enforced.

Not in vain did our forefathers read the history of the Magna Charta and of the Bill of Rights. When our Constitution was adopted, the people's restlessness under it and fear of oppression was not removed until there was embodied in it the ten amendments constituting our American Bill of Rights. The fourth amendment declares:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

The view of government that called it into existence is not lightly to be brushed aside. Contrast this theory of government with the history of France in the days of Napoleon and of the Reign of Terror. Picture the Government of Russia that but recently tottered almost to its fall because of the prevalence of the opposing theory of government.

Sir, when it shall come to the formulation of a new law that shall govern the use of a secret service, I trust that this Congress, representing the individual citizens of our country, may as heretofore guard with jealous care the sacred rights of those citizens, and hedge about such service with all the safeguards essential to the preservation of the people's liberties. Whatever may have been the wisdom of its course, I glory in the fact that it was this motive that actuated this House in the performance of its duty when legislating touching a spy system. [Applause.]

Not the man alone who feels, but who is exposed to tyranny, is without freedom.

[Loud and long continued applause.]

Mr. SMITH of Iowa. Mr. Speaker—

The SPEAKER. The gentleman from Iowa. [Prolonged applause.]

Mr. SMITH of Iowa. Mr. Speaker, impelled by a sense of duty to the country, the Congress, the Committee on Appropriations, and to myself, I wish to discuss as calmly as I can the controversy which has arisen as to the so-called "Secret Service."

In doing so I shall keep constantly in mind that while the Constitution creates three branches of government; first, the legislative; second, the executive; and third, the judicial, the precedence thus given the legislative branch did not imply superiority, but, on the contrary, our fathers founded a government of three equal and coordinate branches, and that respectful

treatment is always due from each one of these three to the other two.

No controversy of any kind shall induce me to become un-mindful of my duty in this respect. No man in the United States is more heartily in favor of the rigid enforcement of all laws alike against the rich and poor, the high and low, public officials and others, than I am, and to this end I am well aware that it is sometimes necessary to resort to the use of detectives.

The distinction in a city between an astute police officer and a detective is not well defined, except by the names of the places under which they are carried on the pay roll. And so in the national service the distinction can not be specifically stated between a shrewd special agent or inspector and a detective. Generally speaking, the former are trained along some special line and in that line are more efficient than a general detective could be.

There is no limit whatever upon the power of any department in the selection of its numerous special agents and inspectors, which are authorized by law to appoint as many detectives as its appropriation will cover. I think we ought all to be able to agree that some detective force is necessary in the enforcement of the criminal laws; and that, on the other hand, in a free country, no general system of spying upon and espionage of the people, such as has prevailed in Russia, in France under the empire, and at one time in Ireland, should be allowed to grow up. I am unwilling to permit this controversy to continue on a false issue. The question is not whether we should have a detective force in the Department of Justice, a thing which, so far as I can recollect, has never been advised by the President until his message of January 4, 1909. That is a very proper subject for the consideration of Congress; and in advising it, the President is certainly within his right. The question now is not should a legal detective force be created in the Department of Justice, but was Congress subject to just criticism for destroying at its last session the system which had grown up of using the counterfeiting force in the Treasury Department for miscellaneous purposes.

I may say, however, that as there never was any special creation by act of Congress of the detective force, now known as the "Secret Service," except by the appropriation of funds for the detection of counterfeiters, I am wholly at a loss to know why the Attorney-General has not full power to organize a detective force under the numerous appropriations now at his disposal, and his last report shows he has already done so.

Again, attention is called to the fact that the question now is not what should be done in the future upon the advice just received, but did Congress do right last year in what was done in reference to the so-called "Secret Service?"

In discussing that, I must briefly review the history of this service.

Prior to the civil war trifling appropriations were made for the detection and punishment of counterfeiters, but the civil war caused a vast issue of greenbacks, national-bank notes and bonds, at a time when such work was, when compared with the present, in a primitive state, and counterfeiting increased, so that Congress commenced making regular appropriations for its suppression.

For the fiscal year 1864 the law read:

For detecting and bringing to trial of persons engaged in counterfeiting the coin of the United States, treasury notes, and other United States securities, \$25,000.

The appropriations for the years 1865 to 1868, inclusive, while not verbally identical with the act for 1864, were so in substance. A deficiency appropriation was obtained for the year 1868, which read:

For detecting and bringing to trial and punishment persons engaged in counterfeiting treasury notes, bonds, and other securities of the United States, as well as the coin of the United States and other frauds on the revenue.

The appropriation for the year 1869 was in the same language, except that the words "other frauds on the revenue" were omitted and "other frauds upon the Government" inserted. An appropriation in substantially this language was made for each of the following years, down to and including 1879, except that in the year 1874 and thereafter the appropriation was made also for the detection and bringing to trial and punishment of persons engaged in counterfeiting national-bank notes.

There never was any law, as I understand it, creating the Secret Service, but at some time prior to the summer of 1878 the Treasury Department had created what is called the "Secret Service Division" to administer these annual appropriations. In the summer of 1878 the counterfeiting section of the Treasury Department, which it had named the "Secret Service Division," upon its own responsibility, as far as it appears, undertook to ascertain how a paragraph in the sundry civil bill for 1879 was omitted from the bill in the enrolling room. While

this investigation was started, apparently, by the Secret Service upon its own responsibility, a few days after it was started the chief of the division succeeded in securing from General Atkins, then chairman of the Appropriations Committee of this House, a request to make the investigation. This use of the appropriation having been shown, Congress at its next session, in the sundry civil act approved March 3, 1879, for the year ending June 30, 1880, appropriated for this service in the usual language, except that it struck out the words "frauds on the Government" and inserted "crimes against the United States, and for no other purpose whatever."

We are now told, in effect, that this was only a limitation of the use of the money, and not a limitation on the use of the force. If I remember rightly, one of the rules of construction of a statute is to consider what the old law was, the evil, and the remedy.

This service engaged in an investigation wholly foreign to any for which it was created; that was the evil. Congress put the limitation on, "and for no other purpose whatever," and it is seriously contended the legislative intent was simply that such foreign work could be done out of other appropriations by this same force.

Laws should be observed in their spirit as well as in their letter, and government officials even more than ordinary citizens should heed this rule. He who is charged with the execution of the law, even in a humble capacity, should set an example of law obedience to all. If it be improper for a mere citizen, by a technical or strained construction of the law, to evade the self-evident legislative purpose, much more culpable is it for one charged with the law's administration so to do. Considerable as was the restriction sought to be put on this service by the act I have just quoted, at the following session, in the appropriation made June 16, 1880, for the year ending June 30, 1881, Congress struck out the general authority as to "crimes against the United States" and inserted "and robbing mails and other felonies committed against the United States, relating to the postal service, the pay and bounty laws, and against the laws relating to the revenue service," and retained the phrase "and for no other purpose whatever." Not satisfied with this second reduction of the powers of this force, in the appropriation for the fiscal year 1882 this was the language:

For expenses of detecting and bringing to trial and punishment persons engaged in counterfeiting treasury notes, bonds, national-bank notes, and other securities of the United States, as well as the coins of the United States, and other felonies committed against the laws of the United States, relating to the pay and bounty laws, and for no other purpose whatever, \$80,000.

Thus as Congress supposed this force was stripped of every function, except as to counterfeiting and the back pay and bounty laws, and provision was from time to time made for inspectors, special agents, and the like to enforce with the marshals and the law department the other laws of the United States, but no restriction was ever imposed upon any department in selecting its force of inspectors or special agents from choosing detectives, if it saw fit.

Exactly the same language adopted in the year 1882 was used in the acts for 1883 to 1888, inclusive, and very generally speaking the same language has been used ever since. In the act for 1889 authority was extended to the "investigation of claims for reimbursement of expense incident to last sickness and burial of deceased pensioners," and this clause has ever since been carried.

In the act for 1890 authority was extended so as to include detecting and bringing to trial and punishment dealers and pretended dealers in counterfeit money, and this has been carried ever since. In the act for 1891 authority was granted to investigate violations of section 5209 of the Revised Statutes, with reference to embezzlement from national banks, and the same authority was given by the acts for the years 1892 to 1894, inclusive, when it was dropped. In the act for 1893 the language was changed from "for detecting and bringing to trial and punishment" to "for detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction," and authority was granted with reference to counterfeiting the securities and coins of foreign Governments.

In 1907 the act was changed to read:

And for no other purpose whatever, except in the protection of the person of the President of the United States.

When that bill was being prepared Mr. John E. Wilkie, Chief of the Secret Service, was before the subcommittee, having it in charge. He was asked if the men kept at the White House were members of his force, and he said they were. He was also asked if they were paid out of the appropriation for the suppression of counterfeiting and said they were, and upon being asked how that could be done, he replied that he was compelled to make a false certificate to every pay roll. The subcommittee

was anxious not only to furnish every possible protection to the person of the President, but to furnish him whatever he might deem the most efficient force for that purpose, but it did not believe that a system of false accounting should be maintained, and it was at once suggested that the language ought to be modified so as to give the President, for his protection, that force he apparently regarded as most efficient, and at the same time stop the filing of false certificates that the force was used for the suppression of counterfeiting.

As Mr. Wilkie was leaving the room, he said in substance: "I hope you will make some arrangement that will relieve me from committing perjury once a month." Each of the other members of the then subcommittee, who are still in Congress, and Mr. Courts, the clerk of the whole committee, have in the form of letters to me, stated their recollection of this matter, and I will read these letters:

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 6, 1909.

HON. WALTER I. SMITH,
House of Representatives, Washington, D. C.

DEAR SIR: Complying with your personal request for a statement of the testimony of Mr. John E. Wilkie, Chief of the Secret Service Division of the Treasury Department, when before the subcommittee on the sundry civil appropriation bill during the hearings upon the estimates for appropriations for the Secret Service for the first session of the Sixtieth Congress, I will say that I distinctly recollect what Mr. Wilkie said, and I also recall the fact that at his request his testimony was not taken down by the stenographer to be printed in the record of the hearings for the reason which he suggested, which was that the character of his service was such that he would prefer not to have the information regarding any use of the Secret Service made public. Mr. Wilkie was especially desirous of having the purposes for which the Secret Service of the Treasury Department was authorized enlarged so as to include the protection of the President, stating that for some time past he had detailed several of his men for this service; that such details were unauthorized by law; and that in order that the men thus detailed could secure compensation for their services, he was obliged to falsely certify to the pay roll by stating that they were employed in the service authorized by law. Before leaving the committee room he was informed by me and by other members of the subcommittee that his request to have the authority for the use of the Secret Service enlarged so as to include the protection of the person of the President was a reasonable one, and that it would be granted. Whereupon Mr. Wilkie stated that if that was done, he would be relieved from the necessity of committing perjury every month when he signed the pay roll for the payment of his men thus detailed. While I do not pretend to give from recollection the exact words used by Mr. Wilkie in relation to this matter, I do, nevertheless, distinctly recall his statement that he was obliged falsely to certify to the employment of the men who were detailed for the protection of the person of the President; and when informed that authority would be given for the employment of the men in that service, he stated distinctly that if that was done, he would be relieved from the necessity of committing perjury every month or every thirty days.

Yours, very truly,

J. A. TAWNEY,
Chairman Committee on Appropriations.

HOUSE OF REPRESENTATIVES,
Washington, January 6, 1909.

HON. WALTER I. SMITH,
Washington, D. C.

MY DEAR MR. SMITH: In the spring of 1906, as a member of the subcommittee on sundry civil appropriation bill, I was present when Mr. Wilkie, Chief of the Secret Service Division of the Treasury Department, was examined in regard to the duties of his office and how his force was employed. He answered freely all inquiries. Among other things he stated that he and his force belonged in the Treasury Department and were employed principally in looking after counterfeiting and like offenses. In reply to the question "are you and your men ever called upon to do work outside of and unconnected with the Treasury Department," he replied, "we are sometimes detailed for outside work, especially in protecting the person of the President." He was asked out of what fund his men were paid, who were engaged in protecting the person of the President, he replied that they were paid out of the same fund that he made out his pay-roll account, just as though the force was employed in the regular work of the Treasury Department; that he was embarrassed by this, inasmuch as he was practically compelled to falsify every time he made out accounts for such services of his men; and that he would be glad if the committee could so amend the law as to relieve him of this embarrassment. It was and is my impression that this last statement was a factor leading to the amendment placed upon the sundry civil appropriation bill in that Congress; at least it was in so far as I was concerned.

During the examination Mr. Wilkie said he hoped his statement would not be printed in the hearings, and to this the subcommittee readily assented.

I may add, as doubtless you remember, that individually I favored a large allowance and more extended employment for the Secret Service of the Government, and my opinion in that regard is unchanged.

This is my recollection of the facts, and you may use this letter as you see proper.

Yours, very truly,

GEO. W. TAYLOR.

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 7, 1909.

HON. WALTER I. SMITH,
House of Representatives.

DEAR SIR: I was a member of the subcommittee that prepared the sundry civil appropriation bill for the fiscal year ending June 30, 1907.

While we were considering that bill, Mr. Wilkie, the Chief of the Secret Service, was before the committee in reference to his estimates,

and was interrogated as to the manner in which those men assigned to duty at the White House were paid.

My recollection of much of what he said is somewhat vague, but I know it was that a clause should be inserted to permit his force to be used for the protection of the person of the President, and that, as Mr. Wilkie left the room, he said, in substance, "I hope you will make this change, as it will save me from committing perjury once a month." His use of the term "perjury" was so startling that that portion of his statement was impressed upon my mind, although much of the balance of what he said has escaped me.

Very respectfully, yours,

W. P. BROWNLOW.

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 6, 1909.

DEAR SIR: Some time prior to the last of May, 1906, and during the conduct of the hearings on the sundry civil appropriation bill for the fiscal year 1907, Mr. John E. Wilkie, Chief of the Secret Service Division of the Treasury Department, appeared before the subcommittee in behalf of the estimate of \$125,000 for suppressing counterfeiting. At his request his statement was not reported in common with other testimony reported by the committee. Mr. Wilkie in response to questions of the chairman, and perhaps other members, stated that he was greatly embarrassed each month in making certificate to the pay rolls of his service on account of the operatives he had on duty in connection with the protection of the person of the President, that the service was not permitted under the terms of the appropriation, and that in effect he was compelled each month to make a false certificate. After the close of his examination, and as he was leaving the room, he said, substantially:

"I hope you gentlemen will so modify the terms of the appropriation as to relieve me from the necessity of perjury myself every month."

Very respectfully,

JAMES C. COURTS,
Clerk Committee on Appropriations,
House of Representatives.

HON. WALTER I. SMITH,
House of Representatives.

While this amendment was not asked by the department in the estimates, it is perhaps but simple justice to Mr. Wilkie to say that he seemed much embarrassed by the position he was placed in and much pleased at the proposition that the committee would so amend the law as to relieve him. I ought perhaps to say that I do not understand his reference to perjury meant more than that he was compelled every month to violate his oath of office, as I do not understand that such certificates are sworn to.

I do not believe that the present President or his predecessors, if they used this service in the same way, understood the situation so graphically pointed out by Mr. Wilkie. This was the first information I at least had that any system had been in use of drawing money upon untrue vouchers by executive officers in this connection. It will be observed that such a thing as the Secret Service Division was never mentioned in connection with any of these numerous appropriations, but in 1882, to check the departments in a tendency displayed to use a very large portion of many appropriations for administrative work in Washington, Congress passed a law making it illegal to use lump-sum appropriations such as these for salaries of employees in Washington, and so the Treasury Department was compelled to apply to Congress for a special appropriation for the chief of the division which it had created and his assistants in Washington, and such an appropriation has been made each year from 1883 to the present time. It appears from the hearings before the Appropriation Committee that the usual appropriation in this counterfeiting section will pay the expenses of about forty-seven men, the compensation of the men varying from three to seven dollars a day, a single one receiving \$8, and the balance when used is expended for subsistence when away from one's post and for traveling expenses.

Notwithstanding the appropriation would only pay the compensation and allowances of about 47 men, about 67 have been carried on the roll, depending absolutely for ability to pay them on money obtained from other departments for loaning them.

Mr. Moran, Assistant Chief of the Secret Service, when before the committee a year ago, illustrated how men were thus loaned as follows:

Mr. MORAN. The Attorney-General writes a letter to the Secretary of the Treasury, stating that he has a certain matter that he wants investigated, probably under the direction of a United States attorney; he asks that there be recommended a competent person to make that investigation, and, if so, what compensation they will expect for that person. In reply to that, they are told that Mr. So-and-so is a person who is probably able to meet the requirements, and if they want him, he will expect a certain per diem and expenses. (Hearings, 1909, p. 186.)

It appears that formerly each man was allowed \$3 a day for subsistence when away from his post, and his actual traveling expenses, but that recently the allowance for subsistence has been increased to \$4. It is thus quite clear that in many cases the allowance for subsistence and traveling expenses exceeds the allowance for personal services, if the employee is away from his post. The examination of Mr. Moran as reported contains the following:

Mr. SMITH. When you designate some one to serve in another department, does he invariably serve under the same allowances that he does under your roll?

Mr. MORAN. Well, that depends altogether on what the language of the appropriation is from which he must be paid.

Mr. SMITH. This question referred entirely to the amount, not to how he was carried on the roll. You say that the amount he gets is not the same?

Mr. MORAN. Oh, yes; he gets, in effect, the same.

Mr. SMITH. That is to say, if the appropriation out of which he was to be paid was one for service, if I understand you rightly, they would proceed to pad the service enough to cover the expenses and allowances of per diem?

Mr. MORAN. Yes, sir.

Mr. SMITH. That is what you mean?

Mr. MORAN. Yes. (Hearings, 1909, p. 189.)

It will thus be observed that in all such cases a very large portion of the money paid out is paid for expenses which are not properly payable out of the appropriation under its terms.

I call your attention to the fact that Mr. Moran said that the officer calling for the detective was informed how much of the allowance was in reality for personal service and how much for expenses, and that he further stated that in the class of cases under consideration the accounts for personal service were deliberately padded to cover the allowance for expenses. To draw the money it was necessary to make a false certificate, that it was all for personal services. Whereas in many cases not one-half of it was for that purpose or for any purpose for which the appropriation was authorized to be expended.

Section 5438 of the Revised Statutes provides:

Every person who * * * makes, uses, or causes to be made or used any false * * * voucher, roll, * * * (or) certificate knowing the same to contain any * * * fictitious statement or entry * * * shall be imprisoned at hard labor for not less than one nor more than five years or fined not less than one thousand nor more than five thousand dollars.

It thus appears that in every such case as that referred to by Mr. Moran in his statement quoted a felony has been committed by some one in the department using the detective from the Secret Service. Some of the committee had other reasons for believing this service had been abused, but all were agreed that this system, which was in defiance of the well-indicated purpose of Congress, expressed every year for thirty years by the insertion of the words each year "and for no other purpose whatever;" a system which allowed an official to carry more men all the time on the roll than could be paid with his appropriation, trusting to find places where he could hire them out; a system which required padding of pay rolls, false certificates, and illegal expenditure of appropriated funds must cease. Standing steadfastly for the enforcement of law, but opposed to the commission of innumerable felonies to that end, the same bill increased the appropriation for the Interior Department for the investigation of illegal land entries from \$250,000 to \$500,000.

This was not only an increase of one-fourth of a million dollars, but was an increase of 100 per cent in one year, and was all the department asked; but, more than this, the increase allowed was twice as great as the whole ordinary appropriation for the Secret Service.

While the President says that at one time, while Mr. Hitchcock was Secretary of the Interior, it was decided that the special agents' division, or corps of detectives, of the Land Office was largely under the control of the land thieves, I trust that in the years intervening these unworthy officers have been separated from the public service. The increase in the appropriation for investigating land frauds alone was sufficient to have hired the entire force of the Secret Service permanently, and have thus employed all the men so much talked about; but let us see what some of the witnesses say upon this subject. On April 30, 1906, Governor Richards, of Wyoming, then Commissioner of the General Land Office, was before the subcommittee on the sundry civil bill when it was inquiring as to the proposed appropriation for protecting public lands from illegal or fraudulent entry or appropriation, and he was then interrogated and answered as follows:

Mr. SMITH. Are any of the Treasury Department secret-service men employed under this fund?

Mr. RICHARDS. There are men who have been obtained from the Secret Service and are employed and paid out of this fund; but they are borrowed, you might say, from that service. Their pay is stopped in that service and they are paid in our service.

Mr. SMITH. How many men, about, in a year do you have from the Secret Service in that way, governor?

Mr. RICHARDS. We never had any until this Oregon trouble came up. Then there was one man obtained from the Secret Service.

Mr. SMITH. That one man is all you have ever had?

Mr. RICHARDS. Yes, sir. Those cases seem to be so badly involved that we had no men, no special agents, that possessed just the right qualifications to ferret the matter out. Mr. Wilkie was called on to furnish us a man who had the proper qualifications, and he did so. That man is employed yet, and so far as I know there is no other man out of the Secret Service. This man has been allowed, however, to employ men to assist him, but they have not been men who were in the Secret Service. (Hearings, 1907, p. 427.)

Mr. Moran, Assistant Chief of the Secret Service, furnished a tabulated statement to the Appropriation Committee a year

ago, from which it appears that not a single secret-service agent has been employed by the Interior Department since June 30, 1906. This statement is printed on page 193 of last year's hearings. As Governor Richards testified on the 30th day of April, 1906, and Mr. Moran's statement only goes back to June 30, 1906, I can not be positive as to what was done during May and June of that year, but it fairly appears that only one secret-service agent has ever been employed by the Interior Department, which has exclusive charge of the public lands, and that was in the Oregon cases. Secretary Garfield appeared before the committee a year ago and, while disclaiming any criticism of secret-service agents, declared that he needed for his purposes men specially trained in the land laws and who knew what constituted a legal entry. It thus clearly appears by the testimony of Governor Richards, Mr. Moran, and Secretary Garfield that unless it might have been in May or June, 1906, the Land Department never used these men, except one man in the Oregon cases, and that it does not want them.

General Bonaparte, when before one of the subcommittees, complained that the system of borrowing men from the counterfeiting section was unsatisfactory. General Bonaparte and Secretary Garfield were the only Cabinet members who ever appeared before the committee on this subject, and both disapproved of the system.

The President, as I am advised, has never discussed this subject, either orally or any other way, with any member of the subcommittee having the matter in charge, and I do not know how far he is familiar with the matters I have stated.

When the subject came up a year ago in the House, I said:

Mr. SMITH of Iowa. Mr. Chairman, for two years past some investigation has been made into this subject by the Committee on Appropriations. It appears that this division was, in fact, created by an appropriation, as stated by the gentleman from New York, and at one time the language was so broad as to authorize the use of this Secret Service for investigation of all felonies. After certain gross abuses of it, about twenty-five years ago, a provision was put into this appropriation that it should be used for the enumerated purposes and for no other purpose whatever.

Mr. BENNET of New York. Will the gentleman yield for a question? Mr. SMITH of Iowa. Not until I finish this statement; then I will yield.

The CHAIRMAN. The gentleman from Iowa declines to yield. Mr. SMITH of Iowa. Now, that was the only way in which any limitation could be put upon the activities of this Secret Service.

It existed only in the appropriation authorizing it, and when Congress provided that no person employed under this appropriation could be used for any other purpose whatever than those enumerated in the statute, although it only operated as a limitation technically upon the appropriation, it was a specific declaration of congressional purpose that the men in this division should not be used for any other purpose whatever.

The President quoted from my remarks on that occasion the words, "Now, that was the only way in which any limitation could be put upon the activities of the Secret Service." I think the ordinary reader of the message would understand that this remark was made in reference to the amendment of last year, whereas my remarks as a whole show that the statement was in reference to the amendment inserted in the act of March 3, 1879.

It was my effort in those remarks to treat mildly the past offenses of this system, if they would but cease, but I have now seen fit to do some plain speaking. The vote for the amendment, so vigorously criticised, was so overwhelming that no division even was demanded.

It is true that when the bill went to the Senate, upon a wholly one-sided presentation, and that against the amendment, the committee dropped it out, but upon a full and fair conference in which Hon. WILLIAM B. ALLISON, Hon. EUGENE HALE, and Hon. HENRY M. TELLER represented the Senate and Hon. JAMES A. TAWNEY, Hon. J. J. FITZGERALD, and myself represented the House, upon the presentation in general of the matters I have detailed, it was unanimously agreed that the House amendment should stand.

The President, in his message of January 4, says: "In Nebraska it was necessary to remove a United States attorney and a United States marshal before satisfactory progress could be made in the prosecution of the offenders."

"The evidence in all these cases was chiefly secured by men trained in the Secret Service and detailed to the Department of Justice at the request of that department and of the Department of the Interior. In the State of Nebraska alone 60 defendants were indicted, and of the 32 cases thus far brought to trial 28 have resulted in conviction, 2 of the principals, Messrs. Comstock and Richards, men of wealth and wide influence, being sentenced to twelve months in jail and fined fifteen hundred dollars each. The following secret-service memorandum, made in the course of a pending case, illustrates the ramifications of interest with which the Government has to deal:

"Charles T. Stewart, of Council Bluffs, was indicted at Omaha for conspiracy to defraud the Government of the title to public lands in Mc-

Pherson County, Nebr.; also indicted for maintaining an unlawful inclosure of public lands; and also under indictment for perjury in connection with final proof submitted by him on lands filed on by him as a homestead. In his final proof he swore that he and his family had resided on the lands in McPherson County (which are within his unlawful inclosure), when, as a matter of fact, his family has at all times resided in Council Bluffs, Iowa. He is engaged in the wholesale grocery business, his store being located in Omaha, in the wholesale district there. He is reputed to be quite wealthy. Stewart's attorneys are Harl & Tinley, of Council Bluffs, Iowa, who are also the attorneys at that place for the Omaha and Council Bluffs Street Railway Company, in which company Harl holds considerable stock, Stewart being also a stockholder, and possibly a director, of the company. He is also represented in Omaha by W. J. Connell, one of the attorneys there for the same company. Stewart is also represented in his perjury case by "Bill" Gurley, of Omaha, Nebr., who at one time was quite closely connected in a political way with the Union Pacific Railroad Company. Stewart is also closely associated with C. B. Hazleton, postmaster at Council Bluffs. Harl and Tinley and Hazleton are all members of the same lodge. Another close personal friend of Stewart's is Ed. Hart, alias "Waterworks" Hart, president of the Council Bluffs Water Company, and interested in the street railway. Stewart's father was interested in, and practically owned and controlled during his lifetime, a large ranch along the Union Pacific Railroad in Nebraska and did a great deal of business with that road.

"Concerning this case, the United States attorney at Omaha states 'there are three cases against Stewart, one for fencing, one conspiracy, one perjury, all good cases, and chances of conviction good.'"

It is quite generally known that my home is at Council Bluffs. Why this special reference to these cases which chanced to be prosecuted in my vicinity, although the offenses were all committed more than 200 miles from my home, and in another State, I might feel that it was intended to insinuate that the proximity of these cases had in some way influenced my action in this matter but for the fact that the President said all this to "illustrate the ramifications of interests with which the Government has to deal."

I am not at liberty to even suspect, therefore, that there was any other purpose in the President's mind than the one he states. If such an insinuation were properly inferable, I would treat it with all conceivable scorn and contempt. I do not know the name, even, of any man tried in Nebraska for illegal transactions in connection with the public lands, except the two who are named in the message of January 4. I do not know any man who has ever been indicted, except C. T. Stewart. I do not know the name of any man who has directly or indirectly represented any of the parties charged, except those who it is said appeared for Mr. Stewart. It is, of course, possible that if I knew the names of the attorneys for other defendants I might know some of them. I have never had a word of conversation or other communication with Mr. Stewart, or anybody representing him, about the Secret Service. I never dreamed that any secret-service man had been employed in this case until within about three weeks. I have never known until the message of January 4 what particular offenses he was charged with, but understood from the press that one or more indictments were found against him, charging some violations of the land laws. I do not know what the conspiracy charged against him is, but so far as the other charges are concerned, as revealed in this memorandum, it would seem that a special agent of the Land Department should be able to ascertain whether a ranchman was fencing the public domain and whether a society woman was living in McPherson County, Nebr., or Pottawattamie County, Iowa, hundreds of miles apart, during the homestead period. If these special agents can not prepare cases like that, we are simply wasting \$500,000 a year on them. But the President tells us that the Secret Service, at least, had a memorandum of the Stewart case, which "illustrates the ramifications of interests with which the Government has to deal."

We are not advised when this memorandum was made or who made it. Let it be examined in detail.

It is stated that—

He (Stewart) is engaged in the wholesale grocery business, his store being located in Omaha, in the wholesale district there.

This is wholly untrue. He is not now and never was engaged in the wholesale grocery business at Omaha. He had a cousin, J. T. Stewart, 2d, who was in the wholesale grocery business in Omaha. [Laughter.]

The detective claims to have discovered the names of Stewart's attorneys of record. That was a mighty struggle by which our fathers secured the right to appear by counsel in criminal proceedings. I trust this sacred right is not regarded as obnoxious.

Stewart's attorneys are Harl & Tinley, of Council Bluffs, Iowa, who are also the attorneys at that place for the Omaha and Council Bluffs Street Railway Company, in which company Harl holds considerable stock, Stewart being also a stockholder and possibly a director of the company.

I did not believe Mr. Harl owned any stock in that company, and I wired him to know, and have here his answer:

Never owned a dollar of stock in street railway company.
CHARLES M. HARL.

[Laughter.]

But the memorandum suggests that Stewart is a stockholder and possibly a director. The information that he might possibly be a director would, of course, be exceedingly valuable, but he is not, and never has been either a director or stockholder in the company named; but his father's estate, to which he is one of the heirs, does own some stock in a wholly different company, which owns the bridge across the Missouri River and a portion of the street car lines, and has leased all its property for ninety-nine years or such a matter to the company named. [Laughter.]

He is also represented in Omaha by W. J. Connell, one of the attorneys there for the same company. Stewart is also represented in his perjury case by "Bill" Gurley, of Omaha, Nebr., who at one time was quite closely connected in a political way with the Union Pacific Railroad Company. Stewart is also closely associated with C. B. Hazleton, postmaster at Council Bluffs.

The name of the postmaster at Council Bluffs is Arthur S. Hazleton. This detective calls him "C. B. Hazleton." This detective could not even get the name of a man that has been in the Blue Book for six or seven years. [Laughter.] While I have no doubt Stewart is acquainted with Hazleton, the assertion that they are closely associated is wholly false. Hazleton is himself a prominent lawyer, but does not seem to have been closely enough associated with Stewart to be retained.

Harl and Tinley and Hazleton are all members of the same lodge.

This may be true. I think they are all members of the Order of Elks and all wear emblems of that order. This astute detective was able to conclude that in a city where there was but a single Elk's lodge three resident lawyers, wearing Elk emblems, probably belonged to the same lodge.

Another close friend of Stewart's is Ed. Hart, alias "Waterworks" Hart, president of the Council Bluffs Water Company and interested in the street railway company.

Hart is not now and never was president of the water company. Mr. Sheldon, president of the Phoenix Insurance Company, of Brooklyn, is president of the water company and has been for many years.

I have a telegram from Mr. Hart, as follows:

COUNCIL BLUFFS, IOWA, January 5, 1909.

I am not and never have been interested in any street railway company, here or elsewhere.

EDWARD W. HART.

These statements in the memorandum would be trifling if true, but they are substantially all false. If that is the best a secret-service agent can do, and they are superior to the special agents of the Land Office, no wonder the Government has trouble in obtaining convictions. In view of this, the only sample of the work of the Secret Service, as distinguished from a description of it which is laid before the House, the bill to increase the salary of its chief to \$6,000 certainly ought at once to be put upon its passage.

I am done with this whole matter, except to say that never again, if I can prevent it, shall the old system of law defiance and law evasion, the system of broken oaths of office, of illegal expenditure of money appropriated, of padded accounts, of false certificates, of the constant commission of felonies by public officers, of simple lying, and of tergiversation be restored to the public service. [Prolonged applause.]

Mr. FITZGERALD. Mr. Speaker—

The SPEAKER. The gentleman from New York.

[Loud and long continued applause.]

Mr. FITZGERALD. Mr. Speaker, the resolution before the House for action meets my hearty approval. Had it been possible for me to have had my way, the special committee to which was referred that portion of the President's message in which he discussed the provision relative to the Secret Service would not only have been charged with the duty of reporting the action to be taken upon that portion of the message, but it would have also been charged with the duty of making an independent and calm investigation of the particular provision of the sundry civil act to which the President refers and of its effect, so that Congress could at this time reject as inadvisable the recommendation of the President that that provision be repealed. I would have the House calmly and deliberately ratify at this time its previous action and reaffirm that its previous action was proper. Since that could not be done, or was not feasible under the circumstances, I shall in the discussion at this time content myself with setting forth the reasons which would have induced me to vote for such a resolution, had it been possible to have had it before the House, and to set forth for the information of the House the facts which induced me to support the provision when considered by the House.

Mr. Speaker, before doing that, perhaps it may be proper to say that had the language used by the President in his annual message to Congress been used by any other person than the President, that the Congress could have properly ignored

the reflection upon its integrity contained therein. But this language is not to be considered as the language of any individual, or of an insignificant official; it is the language contained in an official communication from the Chief Executive of this great Nation. A decent respect for ourselves, as well as for those whom we represent, as well as a proper appreciation of the duty that devolves upon us to uphold the good name and fame of the body of which we are Members before our own people and before civilized men in all lands, make it imperative that we should take proper notice of this language, and treat it in a manner becoming the body representative of the people.

Mr. Speaker, I am in a somewhat unfortunate position in this matter. I have been specifically named by the President in his special message. I have not been directly charged with any dereliction of duty. No language has been attributed to me which justifies any assertion made by the President in his message, but I have been so confounded in the minds of Members and of the public with some Members whom the President has singled out for consignment to a distinguished aggregation of undesirable citizens that it is difficult for anyone to read his message and not believe either that for some considerate purpose he refrained from saying what he might have said regarding me or that he deemed me unworthy of the same notice which is given to others.

Mr. Speaker, in his annual message, transmitted to the Congress on December 7 last, the President used the following language:

Last year an amendment was incorporated in the measure providing for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime, it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million of dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the antitrust law and others. The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury, but it tends to hamper the Secretary of the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer.

The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men. Very little of such investigation has been done in the past; but it is true that the work of the secret-service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable a special exception could be made in the law prohibiting the use of the secret-service force in investigating Members of the Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least to hamper effective action against criminals by the executive branch of the Government.

The House, by resolution adopted December 17, 1908, declared that—

The plain meaning of the above words is that the majority of the Congressmen were in fear of being investigated by the secret-service men, and that the Congress as a whole was actuated by that motive in enacting the provision in question.

The House further declared that its—

Committee appointed to consider these statements of the President and to report to the House can not find in the hearings before the committee, nor in the records of the House or Senate, any justification of this impeachment of the honor and integrity of the Congress.

And thereupon requested the President, among other things, to transmit to the House any evidence upon which he based his statement that the—

Chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men.

The President, in a message to the House in response to this request, states that—

A careful reading of this message—

Referring to the language heretofore quoted—

will show that I said nothing to warrant the statement that "the majority of the Congressmen were in fear of being investigated by the secret-service men," or that Congress as a whole was actuated by that motive. I did not make any such statement in this message.

He further states that the allegation in the resolution—that the plain meaning of the words is that the majority of the Congressmen were in fear of being investigated by the secret-service men and that Congress as a whole was actuated by that motive—must certainly be due to an entire failure to understand my message.

Apparently there is an irreconcilable difference between the House and the President as to the meaning of the language used by him.

The President, however, while disclaiming any intention to impeach the integrity of the Congress, insists that the debate sustains his statement that—

The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men. This statement—

He says in his reply to the House resolution—
is sustained by the facts.
If you will turn—

Continues the President—

to the CONGRESSIONAL RECORD for May 1 last, pages 5553 to 5560, inclusive, you will find the debate on this subject. Mr. TAWNEY, of Minnesota, Mr. SMITH, of Iowa, Mr. SHERLEY, of Kentucky, and Mr. FITZGERALD, of New York, appear in this debate as the special champions of the provision referred to.

The President asserts that two lines of argument were followed in the debate in support of the provision which he condemns. To use his own language:

One concerned the question whether the law warranted the employment of the Secret Service in departments other than the Treasury, and this did not touch the merits of the service in the least. The other line of argument went to the merits of the service, whether lawfully or unlawfully employed, and here the chief, if not only, argument used was that the service should be cut down and restricted because its members had "shadowed" or investigated members of Congress and other officers of the Government.

Then, after further comment, he says:

Mr. TAWNEY, for instance, says: "It was for the purpose of stopping the use of the service in every possible way by the departments of the Government that this provision was inserted." and Mr. SMITH says, "Now, that was the only way in which any limitation could be put upon the activities of the Secret Service." Mr. FITZGERALD followed in the same vein, and by far the largest part of the argument against the employment of the Secret Service was confined to the statement that it was in violation of law.

Mr. Speaker, no language used by me has been quoted by the President as justification for the assertion that "the chief argument used in favor of the provision was that the Congressmen did not themselves wish to be investigated; yet it is impossible to read the President's message and not reach the conclusion that something said by me justified the statement.

My entire contribution to the debate on the question, as found in the RECORD mentioned by the President, is as follows:

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will be adopted. Those who have given any attention to this matter know that there have been gross abuses growing out of the use of the men in the Secret Service by the various departments of the Government. It should be stopped. These men—

Mr. DRISCOLL. Suppose another department wants a man, a competent man, to do some detective work, secret-service work, and the men in this bureau, that are getting about \$125,000 a year, are not all busy, what great harm can be done if one of these men should be detailed to do that work instead of keeping up a permanent force in the other department?

Mr. FITZGERALD. If the gentleman will permit me to proceed for five minutes I may answer his question. That is what I am going to discuss.

The Secret Service Division has an eligible list of 304, and whenever they require the services of more men than they have they take a man from this list. Numerous instances have come to the observation of many Members of the House where this secret-service force has been employed upon service upon which they should not have been employed.

Congress appropriates a certain amount of money to employ a certain number of men in this Secret Service for a certain specific purpose. They should be restricted to that work. They should not be given a roving commission, so that they may be assigned to any kind of work, to investigate the action of all kinds of persons, whether in the government service or not.

There has been an effort once or twice to create a general police system under the Federal Government. It has not been successful. But if the practice be continued which has been in force for some years, not many, but recently, of having carried apparently upon the rolls of the Secret Service 20 more men than are necessary or are required for that work, and appropriations continue, then we will have in time a federal secret police. What does the ordinary district attorney do when he requires work of this character done? It is not necessary for him to apply to the Secret Service. He can easily secure competent men within his jurisdiction to do any work of this character that is required. And so with every department of the Government; whenever it requires a man of particular qualifications in any locality, it can easily find a man to do the work required.

Mr. BENNET of New York. Does not my colleague recall, as stated by the gentleman from Iowa, that the Government is prevented, and properly prevented, from going to the same place that a lawyer would go; that is, to a generally recognized detective agency in order to get the character of work done?

Mr. FITZGERALD. Where some lawyers go.

Mr. BENNET of New York. Most lawyers.

Mr. FITZGERALD. Not most lawyers; some lawyers. Everybody knows what that law is. After the railroad strike in Chicago a law was passed prohibiting the employment of the Pinkerton and similar detective agencies. But it is easy enough to get competent men for such work who are

not employed by those agencies. The Secret Service Division has an eligible list of 304 men, men applying from all parts of the country. It would be very easy for a department, if it required an odd man, to pick him out from this list rather than have him carried in this list of secret-service men.

Mr. Speaker, I dismiss as unworthy the suggestion that the President deliberately shifted his ground in his special message to the House. While he may have been unfortunate in the language in which he couched his recommendations, I am unable to believe that he was actuated by other than a proper and a patriotic motive.

It would be so unbecoming the Chief Executive to attempt in his official communications to the Congress to seek any purely personal advantage in a difference as to the advisability of any legislation that I am convinced, and I shall proceed upon the theory, that the President, believing that a mistake had been made, desired to have it rectified in a proper and a legitimate manner.

In response to the resolution of the House he has reiterated that the action of Congress has been in the interest of the criminals. He charges that the provision regarding the Secret Service Division in the Treasury Department "was emphatically an action against the interest of justice and against the interest of the law-abiding people and, in its effect, of benefit only to lawbreakers, and that it 'operates only to the advantage of the criminals.'" He calls upon the Congress to remedy what he terms the "wrong."

Whether Congress did cripple the Government in its capacity to prevent wrongdoing and to detect and punish wrongdoers is a question which, at this time, far overshadows, in my opinion, other matters in issue. This charge should not be ignored. In my judgment it can not be sustained. The action of the Congress was in harmony with my views, and I am perfectly willing to assume whatever responsibility belongs to me for the action of the Congress. I believed when the provision, which is now condemned by the President, was enacted that it was wise and proper. The fear that it would cripple the Government in its efforts to detect and punish criminals I was then convinced was groundless; the assertion that it is a benefit to the criminal classes I would consider preposterous were it made by anyone other than the President. Nothing has occurred which has caused me even to suspect that the beliefs held by me last May regarding the provision were erroneous.

I venture to express my opinions thus freely, since the President has singled me out as one of the four Members of the House who led the House to perpetrate what he characterizes as a "wrong." I am not insensible of the notice which the President takes of the unbounded confidence which many Members of the House must have had in my integrity and judgment. Although the President had, as he asserts, for a long time endeavored, by personal appeal and by letters, to have the House refuse to enact the provision now so obnoxious to him, yet the Members accepted the judgment of myself and of the three other members of the Committee on Appropriations as to the propriety of a legislative provision in preference to the conclusions of the President. Indeed what higher compliment could be paid me than to have the admission made that the House, "without having had the opportunity to know very much of the rights or wrongs of the question," as the President says, unhesitatingly accepted the judgment of myself and of my three colleagues, although only one of us, in the President's opinion, had made any real argument in justification of our position? [Applause.]

The sundry civil appropriation bill was reported to the House April 25, 1908. It contained this provision:

No person employed in the Secret Service Division of the Treasury Department or under the appropriation for suppressing counterfeiting and other crimes, who is detailed, furloughed, granted leave of absence, dismissed, or otherwise temporarily or finally separated from the service of such division and is thereafter employed under any other branch of the public service shall be restored or paid compensation for service or expenses in the Secret Service Division for two years after the termination of his employment under such other branch of the Government.

This language was ruled out on a point of order. In its place an amendment was adopted by the Committee of the Whole House on the state of the Union and by the House itself, without any division being had.

The amendment adopted is as follows:

No part of any moneys appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1909 have been employed in or under said Secret Service Division.

This is the provision which the President so vigorously characterizes as of benefit only to the criminal classes.

The purpose and practical effect of this provision is to prevent the transfer of men employed in the Secret Service Divi-

sion of the Treasury Department to other branches of the public service.

The President asserts that this provision practically prevents the detection and punishment of violators of the federal laws, and he vigorously urges the Congress to repeal the provision. He makes that the issue upon which he invokes the favorable judgment of the country.

Does this provision cripple the Government? Should it be repealed? I emphatically assert that it should not be repealed; that it has had none of the grievous effects described by the President.

To demonstrate the soundness of my opinion, Mr. Speaker, and to make clear the wisdom of the action of the Congress in enacting the provision, it is necessary to consider the means at the disposal of the Government to detect criminals, and the relation which this Secret Service Division of the Treasury bears to the secret agencies of the Government.

In the legislative act for the current fiscal year is the following provision:

Secret Service Division: For 1 chief, \$4,000; assistant chief, who shall discharge the duties of chief clerk, \$3,000; 1 clerk of class 4, 1 clerk of class 3, 2 clerks of class 2, 1 clerk of class 1; 1 clerk, \$1,000; and 1 attendant, \$720; in all, \$16,120.

This provides for the office force of the secret-service force in the Treasury Department. In the sundry civil act is the following provision:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including not to exceed \$1,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever, except in the protection of the person of the President of the United States, \$115,000: *Provided*, That no part of this amount be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

This division and force is authorized and appropriations are and have been made to enable it to suppress counterfeiting, protect the person of the President, to apprehend violators of the bounty laws, and to investigate certain claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners, "and for no other purpose."

No extraordinary intelligence is required to understand that the force authorized to be maintained under these appropriations is restricted to the specific duties set forth. The business of suppressing counterfeiting, of protecting the person of the President, and the other services enumerated is specialized. The intent and the efforts of Congress have been to maintain a special force to do a special work.

The impression is widespread that all of the secret agents of the Government, or all of its detective force, is confined to the Secret Service Division of the Treasury Department. Anyone unfamiliar with the facts would be inclined to this belief from the statements of the President in his annual message and in his reply to the House resolution.

Such is not the fact. The Secret Service Division of the Treasury Department is relatively an insignificant feature of the secret-service forces of the Government.

To demonstrate the accuracy of this statement it is necessary to enumerate the various appropriations made by Congress for such service.

In the Post-Office Department there is a force of post-office inspectors. For the current year Congress appropriated for 355 inspectors, whose compensation is \$572,750; for per diem allowance of these inspectors while traveling on official business away from home, \$325,000; for clerks and laborers at the division headquarters, from which the inspectors operate, \$96,620; for traveling expenses of inspectors not covered by per diem allowances, \$35,000; for hire of livery, \$50,000; for miscellaneous expenses, \$6,000; for rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, \$20,000. Altogether for the secret-service or crime-detection division of the Post-Office Department, \$1,105,370. No serious question has ever been raised as to the efficiency of this service. It is confined to the work it is specifically authorized to do; it has never been diverted to services not contemplated in the creation of the force.

In the Indian appropriation act \$40,000 is placed at the disposal of the Commissioner of Indian Affairs to suppress the traffic in intoxicating liquors among Indians—police work and

largely of the detective order. Three thousand dollars is also given to the commissioner to cover the traveling expenses of clerks detailed to make special investigation in the field. Eight Indian inspectors are carried, at a cost of \$21,000 for salaries and \$12,800 for traveling and other expenses. Not exactly of the same character, but yet a force to prevent and detect crime, is the Indian police force, which costs \$200,000 a year.

Forty revenue agents are provided by law, in connection with the internal-revenue laws; their compensation and allowances aggregate about \$125,000, and is included in the sum of \$2,400,000 which is used to pay the fees and expenses of gaugers, storekeepers, and storekeeper-gaugers. This force is used to prevent illicit distilling, and the work requires the highest class of detective skill. Two hundred thousand dollars is appropriated to enforce the so-called "denatured-alcohol act," which includes the compensation of chemists, internal-revenue agents, inspectors, and other assistants.

For salaries of special agents and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at subtreasuries and depositories, including examinations of cash accounts at mints, \$3,000 is appropriated.

Under the Secretary of the Interior there are provided "two special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at a salary of \$2,500 each, with \$4,000 to cover expenses connected with their work."

Seven thousand dollars is allowed for per diem in lieu of subsistence of clerks "detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct."

For the per diem allowance of pension examiners or other persons making special investigations in connection with the Pension Bureau, \$250,000 is appropriated.

A force of 100 pension examiners was allowed for this year, at a cost of \$130,000.

In addition to the \$1,105,370 carried in the post-office act for the post-office inspectors' division, the office force in Washington costs \$90,620. In the office of the Third Assistant Postmaster-General six special agents are provided at a salary of \$2,000 each, and \$7,000 is required for their traveling expenses. They are employed to ascertain violations of postal laws regarding classifications.

The Bureau of Corporations is given \$175,000 for the compensation of special attorneys, special examiners, and special agents, employed to carry on the work of the Bureau of Corporations.

For assistants to the Attorney-General and of assistants to United States district attorneys in naturalization cases, and other expenses in connection with them, \$150,000 is appropriated.

Moreover, a permanent appropriation of \$2,500,000 in each year is available to the Department of Commerce and Labor. It is out of this fund that the special agents are paid, both here and abroad, to obtain information relating to the violation of alien-labor laws and the immigration laws. A large number of inspectors and agents are so employed.

In the report of the Secretary of Commerce and Labor it is pointed out that 2,172 contract laborers have been removed from the country during the past year. In addition "every effort has been made to mete out appropriate punishment to the individuals and corporations found violating the law." He points out that about 30 cases arose during the year, and he mentions certain cases specifically.

In the sundry civil act the following appropriations are carried: For the authorized expenditures of the Interstate Commerce Commission, \$700,000; to enforce compliance with section 20 of the Hepburn Act (act to regulate commerce), including the employment of necessary special agents or examiners, \$350,000; to carry out the objects of the "act concerning carriers engaged in interstate commerce and their employees," \$10,000; to enable the commission to keep informed regarding compliance with the "act to promote the safety of employees and travelers upon railroads, including the employment of inspectors, \$100,000.

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, \$125,000.

For the detection and prevention of frauds upon the customs, \$200,000; for the enforcement of the Chinese-exclusion act, \$500,000; to prevent depredations on public timber, protecting public lands from illegal and fraudulent entry, an appropriation, including some other purposes, of \$500,000; for expenses of hearings held by order of the General Land Office to determine whether alleged fraudulent entries are of that character, \$35,000.

For defraying the necessary expenses incurred in the examination of witnesses and procuring evidence in the matter of

claims against the United States and in defending suits in the Court of Claims, \$25,000.

For the detection and prosecution of crimes against the United States preliminary to indictment, the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, and for some incidental purposes, \$30,000. The balance remaining unexpended of the appropriation of \$250,000 for the enforcement of the antitrust laws is reappropriated, together with an additional \$250,000. Fifty thousand dollars are appropriated for the necessary expenses incident to any suits brought at the request of the Secretary of the Interior in certain cases in Oklahoma.

For the salaries and fees and expenses of United States marshals and their deputies, \$1,350,000.

For the payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving records, \$560,000.

For the enforcement of the so-called "meat-inspection" law there is a permanent annual appropriation of \$3,000,000.

The Steamboat-Inspection Service has an indefinite permanent appropriation of about \$570,000 a year.

The Forestry Service has an appropriation to cover various services aggregating over \$3,000,000, part of which is available for police or detective service.

For the enforcement of the pure-food act and other work the Bureau of Chemistry in the Department of Agriculture has an appropriation of \$826,720.

In the army act a contingent fund of \$15,000 and another of \$10,000 are available for the employment of detectives or secret agents.

The Inspector-General's Department of the Army costs \$66,500, while in the item for incidental expenses provision is made for the employment of spies.

The Secretary of State is given \$90,000, which is a secret fund, the expenditures from which are made by him. He is never required to disclose the purposes for which the expenditures are made, and it is available for the securing of desired information of an important character by means of secret agents.

The Navy Department also has a contingent fund of \$65,000 available and used for the payment of secret agents or detective services.

Mr. Speaker, I believe that I have enumerated all the appropriations out of which payments are made by the Federal Government for the detection of crime.

This review will tend to disclose the varied and extensive fields occupied by the government secret agents.

Not every dollar of the appropriations named is available or is used for detectives; but large sums are so employed, and the various special agents are practically engaged in the work of preventing and detecting crime.

It is apparent, moreover, that it has never been the policy to establish a central police or spy system in the Federal Government. Every department has been and now is given ample funds and authority to procure evidence and to detect criminals. If the criminals are not unearthed, it is not due to the provision about which the President complains, but it is due entirely to the inefficiency of his administration. [Applause.]

The policy has long been followed of separating the work of the secret agents of the Government. Not only is that policy wise and proper, but it even evokes the commendation of the President in the message sent to the House in reply to its resolution. "Congress," he says, "passed a very wise law providing a special service and appropriation for the prevention of naturalization frauds." It is a special service apart and separate from the secret service of the Treasury, and the President commends the new service.

Having reviewed the amounts available for the detection of crime in the various departments, I wish to revert again to the Secret Service Division in the Treasury Department. The appropriations given for some years of about \$125,000 enables the employment of 47 field agents or detectives. Considering the extent of the United States, is it not apparent that this force, if it properly discharges its duty of protecting the President and of suppressing counterfeiting, has sufficient to keep it fully occupied? According to the Secretary of the Treasury in his annual report recently issued, there were 17 new counterfeit issues discovered and described in official circulars during the year; there were 345 prosecutions under the various acts relating to counterfeiting, as compared with 216 the previous year; and there was an increase of not quite 150 per cent in the amount of notes and coin captured and confis-

cated, the total coin, \$19,135, being almost double the amount confiscated in 1907. In addition, an unusually large quantity of plates, dies, molds, and contraband material was captured.

Evidently the 47 agents of this force are fully occupied in suppressing counterfeiting throughout the United States, as well as protecting the person of the President.

In the investigations by the Committee on Appropriations it was ascertained, however, that about 20 more men were carried on the rolls than could be paid out of the appropriations for the purpose of being hired or loaned to other departments. The committee believed the practice bad, and that it should be stopped. It recommended a provision that would have effectively prevented what it deemed an abuse.

The President says that for a long time he contented himself with endeavoring to persuade the House not to permit this "wrong." He only spoke informally to those members who he believed knew anything of the matter, and communicated only in the ordinary channels, as through the Secretary of the Treasury.

The inference from the President's language is unavoidable that he was clamoring or at least actively at work to prevent what he believed would be a great "wrong." To which particular Members of the House he spoke, believing them to know anything of the matter, I am unable to say. He did not speak to me, nor did he, as I am informed, speak to any other member of the subcommittee which prepared the sundry civil appropriation bill. He says he contented himself with "communicating officially only in the ordinary channels, as through the Secretary of the Treasury." Mr. Speaker, the letter of the Secretary of the Treasury mentioned by the President and printed with his message is dated April 29, 1908; the letter to the Speaker April 30, 1908. The sundry civil appropriation bill, in which the provision mentioned is contained, was reported to the House on April 25, 1908, four days before either letter upon which the President relies was written. [Applause.]

Had anyone other than the President himself suggested that his ordinary channel of communicating with Congress was through the Secretary of the Treasury or through the head of any other department he would deservedly have been scoffed by all intelligent men. The ordinary method this President has used to communicate with Congress has been by message. During the last session he sent, exclusive of vetoes, 54 messages to Congress. From recollection and hasty examination of them, I believe it is safe to assert that he discussed in them practically every conceivable public question, with the single exception of the Secret Service Division of the Treasury Department. [Laughter and applause.]

But if the President felt so keenly about this provision as he states that he did, is it not unfortunate that his official advisers were not in harmony with him? Perhaps had the President known what members of his Cabinet had been saying to the Committee on Appropriations, and had he considered their statements, he might not have been so aroused about the action of Congress.

The Secretary of the Interior, Mr. Garfield, for instance, a close confidant and friend of the President, unceremoniously turned all the secret-service men out of his department. How dare he do it if the President has accurately pictured the imperative necessity of having them run down land thieves? The Secretary was before the committee explaining his reasons for asking an appropriation of \$500,000, which was given to him on the committee's recommendation instead of \$250,000, which had been the largest sum appropriated for the investigation of land frauds. On March 25, 1908 (p. 326, Hearings before Committee on Appropriations on sundry civil bill), the following occurred:

Mr. FITZGERALD. Mr. Secretary, do you employ secret-service men in this work?

Mr. GARFIELD. None at all; and that is one of the points that I want to bring out in connection with the general question of the force of agents. None of them is employed as a detective. They are simply men who go out here for the purpose of investigating any entries, charges made of any kind, and their duty is as much to keep the honest entryman as to catch the dishonest one.

The Secretary made another statement. It is not in the hearings, because it was then deemed inadvisable to make it public. Believing now, however, that the public interest requires that it shall be published, I shall repeat the substance of his statement. In effect he said that in Colorado 37 indictments had been returned on the testimony of secret-service men in land cases, but that their testimony had turned out to be so absolutely worthless that the Government had not moved a single one of these indictments for trial.

On January 17, 1908, the Attorney-General, Mr. Bonaparte, appeared before the committee. (P. 202, Hearings on Urgent Deficiency Bill, Committee on Appropriations.) Voluntarily he

called attention to the fact that he had been required to rely on the secret-service men of the Treasury Department. He complained that the price had been raised for the work. He insisted that it would be better to give him a force of his own. He preferred such a force to the Secret Service Division men, and he stated that as required he did employ men from outside sources.

On April 2, 1908, the Attorney-General was again before the committee. (P. 774, Hearings on Sundry Civil Bill.) He again expressed the opinion that "there is no question that it would tend to a more satisfactory administration if the Department of Justice had a small force under its own direct control." He also stated that "the administrative objection to it (the practice of using men of the Secret Service Division) is this, that it compels our department to rely for certain duties, and also duties of a somewhat delicate and confidential character, upon employees that we have not direct control over, and we can not discipline them as we could if they were directly attached to the department, and there are certain rather serious objections in that sense."

Since the passage of the provision to which the President objects the Attorney-General, without additional legislation, has acquired the special force which he believed preferable to the use of the secret-service men of the Treasury in the manner heretofore in vogue.

On page 7 of his annual report, recently issued, he says:

In my last annual report I called attention to the fact that this department was obliged to call upon the Treasury Department for detective service, and had, in fact, no permanent executive force directly under its orders. Through the prohibition of its further use of the secret-service force contained in the sundry civil appropriation act, approved May 27, 1908, it became necessary for the department to organize a small force of special agents of its own. Although such action was involuntary on the part of this department, the consequences of the innovation have been, on the whole, moderately satisfactory. The special agents, placed as they are under direct orders of the chief examiner, who receives from them daily reports and summarizes these for submission each day to the Attorney-General, are directly controlled by this department, and the Attorney-General knows, or ought to know, at all times what they are doing and at what cost. Under these circumstances he may be justly held responsible for the efficiency and economy of the service rendered. The experience of the past six months has shown clearly that such a force is, under modern conditions, absolutely indispensable to the proper discharge of the duties of this department, and it is hoped that its merits will be augmented and its attendant expense reduced by further experience.

On March 24, 1908, Mr. Moran, Assistant Chief of the Secret Service Division in the Treasury Department, was before the Committee on Appropriations. (Hearings on Sundry Civil Appropriation Bill, p. 185.) He was examined at great length regarding the practice prevailing of supplying men to other departments. His statements disclosed a situation which the committee believed undesirable and which it desired to correct by the provision to which the President makes such vigorous objection. Toward the close of his testimony he made this statement (p. 192): "We do not go after this work, and we would not care to-morrow if it was all stopped. We do not want it."

Mr. Speaker, from this brief review of the information before the committee, I repeat that, in my opinion, the action of the Congress was wise, proper, and creditable. It was in the interest of good administration. The criminal classes have received no benefit. No wrong has been done; there is none to remedy. Whatever may have been the views of the President, whatever information he may have had as to the undesirability of such a provision, it was never brought to the attention of the committee during the preparation of the bill.

Careful consideration of recent happenings and much reflection induces a belief that some one has misinformed the President. Let me illustrate. The President in his reply to the House resolution says:

The Government is further crippled by the law forbidding it to employ detective agencies.

Of course the Government can detect the most dangerous crimes and punish the worst criminals only by the use either of the Secret Service or of private detectives; to hamper it in using the one and forbid it to resort to the other can inure to the benefit of none save the criminals.

As to the law which prevents the employment of the Pinkerton and similar agencies, Mr. Bonaparte said (p. 774, Hearings on Sundry Civil Bill, Apr. 2, 1908):

I think that is a good law.

He is prohibited and has stopped using secret-service men, and does not complain. Indeed, he has been urging Congress to arrange so that he would not be required to use them. He believes it wise not to permit him to use the agencies prohibited. Still he does not assert that criminals have been benefited.

Moreover, on January 2, 1909, a report from the Secretary of War was sent to the Senate (S. Doc. No. 626, 60th Cong., 2d sess.), which discloses that the War Department, before the prohibition against the use of secret-service men was enacted, was able to make a contract for the employment of outside

agencies to make certain investigations relative to the so-called "Brownsville matter." Fifteen thousand dollars has been paid out up to date under that contract. It was paid, too, out of an appropriation not heretofore mentioned, namely, the provision in the deficiency appropriation act of March 3, 1899 (30 Stat. L., 1233), which provided that—

For emergency fund to meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, \$3,000,000.

In this instance the Government not only did not use the Secret Service Division but it has not been hampered, either from lack of funds or agencies, to make secret investigations.

Mr. Speaker, the President in his annual message properly designated the Congress as the responsible party for this provision. In his reply to the House resolution he relieves the Senate of all responsibility; he excuses the larger part of the House, on the ground that they blindly followed the lead of a committee, and he narrows responsibility to the Committee on Appropriations.

The Senate is relieved from all condemnation because it disagreed to the provision inserted by the House after the Secretary of the Treasury had sent a comprehensive statement of the work of the Secret Service Division, including his arguments against the provision and his conclusions as to its effects.

The bill passed the Senate and went to conference. The Senate was represented in the conference by Senators ALLISON, HALE, and TELLER; the House, by Mr. TAWNEY, Mr. SMITH, and myself.

The item obnoxious to the President was the subject of conference. The Senate yielded and acquiesced in the House provision. Whatever justification there may be for the statement that the House acted blindly and without knowledge of the merits, the same argument can not be advanced on behalf of the Senators who were in conference. They had, as the President says, "a strongly worded protest from Secretary Cortelyou." They had all the information in the possession of the Secretary of the Treasury. They had his arguments in writing, they had this statement of his conclusion:

I can not impress upon you too emphatically my conviction that any modification of the statutory rights accorded to the Secretary of the Treasury by section 166 or any restriction upon the use of these men by other departments will be wholly and solely of advantage to the enemy of public welfare and government interests.

But two conclusions are possible from the action of the Senate conferees in receding from their disagreement to the House provision; either they were convinced that the alarm of the Secretary was groundless and his conclusions erroneous, or else, believing that the provision would be of advantage wholly and solely to the enemy of public welfare, they accepted it on behalf of the Senate.

Whatever may be believed elsewhere or by any other person, I wish to express as emphatically as I may my conviction that Senator Allison, since passed to another world, and Senators HALE and TELLER were convinced that the provision was wise, was proper, and in the interests of good government; that the conclusions of the Secretary of the Treasury as to the effect of the provision were erroneous, that his fears were not well founded; and I further assert my belief that if any of the Senators named had the slightest doubt that the fears of the Secretary would be realized and that the provision would have been of benefit to criminals, that they would never have consented to the enactment of the provision. [Applause.] What I have said of these Senators I repeat of my colleagues in conference from the House. In my opinion they were actuated by high and patriotic motives and by a desire to improve, not to impair, the public service. [Applause.]

Mr. Speaker, I am opposed to the repeal of the provision. I shall oppose its repeal if it be attempted. I shall not quarrel with the President, nor shall I scold him because he disagrees with me about legislation. Neither shall I permit my judgment to be improperly swayed nor my action upon legislative matters to be controlled by him. His recommendations shall be given the respectful consideration to which they are entitled by reason of his high office. But I shall continue to exercise my own judgment, to voice my own views, to act in accordance with my convictions, indifferent as to whether others are pleased or annoyed.

I shall continue to act as a responsible Representative; I decline to become a mere empty echo. [Applause.]

Mr. PERKINS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. PERKINS. Mr. Speaker, I rise in my own time to give notice that this question has been fully debated, and ere long I shall feel it proper to move the previous question, but before doing that several gentlemen have spoken to me who wish to be heard in opposition to the resolution, and having given the

notice that at the close of their remarks I shall make that motion, I shall now yield ten minutes to the gentleman from New York [Mr. DRISCOLL].

Mr. WILLIAMS. Mr. Speaker, before the gentleman makes that notice effective, I desire to say—

Mr. PERKINS. Oh, I understood my colleague did not wish to speak.

Mr. WILLIAMS. I desire to say that I do not know whether I shall want to talk or not, but if the representatives of the White House on the floor say anything that seems to me worthy responding to, that I reserve the right to respond to it.

Mr. PERKINS. Mr. Speaker, I now yield ten minutes to the gentleman from New York [Mr. DRISCOLL].

Mr. DOUGLAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOUGLAS. Do I understand that the time remaining for this debate is at the disposal of the gentleman from New York [Mr. PERKINS]?

The SPEAKER. The gentleman from New York reserved the time out of his hour, thirty-three minutes, and resumed the floor in his own right. He is entitled to do so, and he is entitled to use the thirty-three minutes or to yield the same.

Mr. WILLIAMS. Or to call for the previous question.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. In the event that an hour has been exhausted by one side or the other, is it not customary, before allowing any Member to take up his unused time, to recognize some Member in opposition in his own right?

The SPEAKER. The gentleman from New York, chairman of the special committee, was entitled to be first heard. He was heard for twenty-seven minutes, and then reserved his time. The Chair is of opinion that the practice has been in such cases that he is entitled to resume the floor at any time that the floor is not occupied by somebody else, and as a matter of practice or custom some one opposed to the resolution would be entitled to recognition, as those favoring the resolution have used the most time.

Mr. BENNET of New York. Mr. Speaker, a parliamentary inquiry. Why can not my colleague from New York [Mr. DRISCOLL] be recognized in his own time if he desires?

The SPEAKER. He can be the moment that his colleague, the chairman of the committee, the gentleman from New York [Mr. PERKINS], yields the floor. The Chair is not aware what course the gentleman from New York, the chairman of the committee, proposes to follow.

Mr. DRISCOLL. Am I now recognized, Mr. Speaker?

Mr. GAINES of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. Is this not also a personal privileged question; and if so, can a mere custom or a mere parliamentary rule cut off the right of a Member to rise at his seat, state that question, and then discuss it?

The SPEAKER. Oh, a question of privilege must be considered under the rules and practices of the House. It can not be put out of the way by any other question of privilege.

Mr. GAINES of Tennessee. Then the gentleman from New York [Mr. PERKINS] could have arisen in his seat this morning and occupied his time and then called the previous question and cut off everybody else?

The SPEAKER. Absolutely, if the majority sustained him.

Mr. GAINES of Tennessee. But that is not my inquiry. The Chair put it on the ground of custom and precedent, which, of course, is mere custom or rule, but I speak of the constitutional right. A privileged question is one thing and a personal privilege is another, but they are both constitutional questions, and here both the House, as such, and the Member's rights are involved.

The SPEAKER. The gentleman seems to forget that under the rules of this House and the practice of the House, no gentleman can make the House act until the majority of the House desires to act, and a majority of the House has the right to force action.

Mr. DRISCOLL. Mr. Speaker—

The SPEAKER. Does the gentleman from New York [Mr. PERKINS] yield the floor or take the floor?

Mr. PERKINS. Mr. Speaker, I yield ten minutes' time to my colleague [Mr. DRISCOLL].

The SPEAKER. The gentleman from New York [Mr. DRISCOLL] is recognized for ten minutes.

Mr. DRISCOLL. Mr. Speaker and gentlemen of the House, it will require only a few words to explain my views on this reso-

lution and the vote which I shall cast. I am not excited, but in a very mild and amiable state of mind, and will try not to provoke the eloquence of my distinguished friend from Mississippi. I was present on the 1st day of last May, when the debate occurred out of which all this contention has arisen. I listened to all that was said for and against the amendment offered by the chairman of the Committee on Appropriations. I did not hear any argument which convinced my mind that I ought to vote for that amendment, and I voted against it.

I heard the remark of the gentleman from Kentucky [Mr. SHERLEY] about Congressmen being shadowed by detectives and it made no impression on me. I had not then heard of any rumor that Congressmen had been shadowed or spied upon by members of the Secret Service. I had not read the article by Mr. Busbey, which was published some years before that time, I had no suspicion whatever—

Mr. WILLIAMS. By the way, if the gentleman will permit an interruption—

Mr. DRISCOLL. Let me finish the sentence. I had no information or intimation from any source, and had no suspicion that the Secret Service was in any way being used to spy upon Congressmen.

Mr. WILLIAMS. Will the gentleman yield to me for a question?

Mr. DRISCOLL. Yes; just for a question.

Mr. WILLIAMS. At the time the article referred to as having been written by Mr. Busbey was published, was or was not Mr. Busbey at that time the secretary of the Speaker?

Mr. DRISCOLL. I do not know and do not care. That is not material, so far as my argument is concerned.

Mr. WILLIAMS. I understand that he was not, and that it was about five years before this controversy arose.

Mr. DRISCOLL. I object to yielding any further time. I want to say this: That if I had any suspicion at that time that members of this House and Senate were being spied upon by members of the Secret Service, I would have taken the remark of Mr. SHERLEY more seriously, and I presume I would have indignantly resented such action by the Secret Service as an insult and have voted for the amendment proposed by Mr. TAWNEY. But under the circumstances this remark passed in one ear and out the other, and I paid no attention to it. But who can say that it did not influence other Members on the floor of this House at that time? Who can say that it was not the main reason why they voted in favor of the amendment of Mr. TAWNEY?

If I had had any notion that it was seriously offered I would have voted for the amendment, so that spies could not be used upon members of Congress; not that I feared any spy in the world, or that I thought any man in this House was guilty of any offense, or in danger of any detective force. But I would have felt, as you do, that it would be an insult to this House to suggest the idea of permitting the Secret Service to spy upon its Members. I did not know at that time that the President had written a letter to the Speaker in opposition to this amendment which was being considered. I did not know that Secretary Cortelyou had written a long letter to Mr. TAWNEY, chairman of the Committee on Appropriations, in opposition to his amendment. I did not know any of those facts, which have since been disclosed. I simply opposed that amendment on its merits and according to my best judgment.

I presume that when the President read that debate afterwards, in order to learn what the argument was which persuaded a majority of the Committee of the Whole House to vote for the amendment, it occurred to him that perhaps the remark thrown in by the gentleman from Kentucky [Mr. SHERLEY] had some influence upon the membership; to repeat, not because they were afraid of investigation or of being spied upon, but because they would naturally resent as an insult the use of the Secret Service for that purpose. I am willing to take the construction put on that sentence in the President's message by the gentleman from Michigan [Mr. TOWNSEND], and I think it is only fair to the President that we should give it any fair construction to which it is susceptible rather than humiliate him by the adoption of this resolution. The other sentence criticised by gentlemen is this:

But if this is not considered desirable a special exception could be made in the law prohibiting the use of the Secret Service in the investigation of members of Congress.

In view of our action on the Burleson bill, in which we expressly excepted Members of Congress from criminal prosecution in a law which included all other government officials, we should not go into convulsions over that sentence.

Mr. WILLIAMS. Now, if the gentleman will yield—

Mr. DRISCOLL. I have not the time. When the President sent in his first message and gentlemen took exception to it, if

you had then adopted a resolution tabling that part of the message which referred to the Secret Service, it would have been a great deal more harmless and a great deal more sensible than what you are proposing to do now. But you put it up to the President to justify what he said. In your resolution here to-day you say that you asked him to give any information that would justify the language of the message or assist the House in its constitutional duty to purge itself of corruption.

What did the President do? In my judgment he was manly about it. He immediately said he did not intend to reflect on the Congress or any member of it. He expressly disclaimed any idea of reflection or any idea of an insult being carried in that message. He went further and complimented this House, and said many nice things about this branch of the Government. What did you want him to do? Did you want him to admit that he meant to insult the Congress when that was not his intention. I have gone through this world not looking for insults, and the man who does that and does not resent an insult unless he is sure it is intended for him gets along better than the fellow who is always looking for a quarrel. If one of you should make a remark to me that I might construe into an offense and call you to account, and you would assure me that you did not mean it as an offense, that you did not mean to insult me, that you did not mean to reflect on me in any possible way, I would treat you as a gentleman and take you at your word, and let the matter drop.

Now, the President of the United States says that he meant no reflection on this body. He says that no reflection on this body is contained in his message at all, according to his construction of it, and yet you are not satisfied with that.

What do we propose to do? The gentleman from Mississippi [Mr. WILLIAMS] says we are trying to avoid a rebuke. But I say we are trying to rebuke the President. You have gone back beyond the memory of any Member of this Congress for a precedent. It is a very unusual and very extraordinary proceeding when you refuse to give the President the same consideration that any of you gentlemen would give to any other gentleman whom you thought had insulted you.

I am aware that the President's term is drawing to a close.

The SPEAKER. The time of the gentleman has expired.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman two minutes more.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. DRISCOLL. This morning I asked that the consideration of these resolutions be postponed for a few days, in the hope that we might get out of this matter with honor to ourselves and without trying to reflect on or belittle the President, but the majority of this body was clamorous to consider it to-day.

I am aware that the President's term of office is drawing to a close. In less than two months he will go out of his great office by his own volition, for he could have been President for the next four years if he had permitted it. I am aware that his power will be gone after the 4th of March, but I would be more reluctant to rebuke even under those circumstances than if he had four years more of power in the White House.

I do not think we are treating our great President fairly when we are trying to drive him into a corner, when we are trying to follow him up and force a quarrel on him, when he has explained that he meant no reflection on this body. Theodore Roosevelt is a great man and a great President, and New York is proud of him, and will be proud of him no matter what action this House may take here to-day. I am willing, as an humble Member of this House, to take him at his word, to accept his explanation, to give him credit for not having tried to insult or reflect on this body when he says so. And when I give him only the same consideration I would give any man, rich or poor, high or low, I am not belittling myself or lowering my self-respect or dignity.

And because these resolutions embody a reflection on him, a rebuke to him—and they are so intended—I can not vote for them. [Applause and cries of "Vote!"]

Mr. PERKINS. We will not have a vote yet. Mr. Speaker, there has been ample time given to those who are in favor of the resolutions. I do not intend that it shall be said that anyone who wishes to speak in opposition to these resolutions did not have full opportunity to be heard. [Applause.] We have time enough, between the time I have not used of my own and the two hours not used by my associates on the committee, to grant, it seems to me, all the time any gentleman may require, and it has been my purpose to yield all the time in the disposal of the gentleman from Massachusetts [Mr. WEEKS] and the

gentleman from Mississippi [Mr. WILLIAMS] and myself that might be required.

If the gentleman from Massachusetts insists upon being recognized in his own right and desires to grant from his own time to those who desire to speak, I have no objection. I reserve the balance of my time.

Mr. GARDNER of Massachusetts. I offer an amendment, which I send to the Chair.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the first "whereas" and insert:

"A certain misunderstanding has arisen in regard to a clause in the last annual message of the President; and

"Whereas we believe that a misapprehension exists as to the action of certain Members of this House mentioned in the President's message of January 4, 1909:

"Resolved, That this House has the utmost confidence in every member of the Committee on Appropriations."

Mr. PERKINS. I raise the point of order on that amendment, that it is not germane to the resolution. The resolution submitted has reference to certain language in the message of the President; and also the amendment is not now in order, because general debate has not been closed.

The SPEAKER. The Chair understands the gentleman's amendment, in effect, proposes to strike out the whole text and substitute a new text for pages 1, 2, and 3 on the printed report, down to the bottom of page 4. It is a substitute for the two "whereases," as the Chair gathers.

Mr. GARDNER of Massachusetts. With the "resolve." The Chair will observe there is a resolution at the end. It is a substitute for the three resolutions.

The SPEAKER. This is an amendment by way of substitute for the whole resolution and whereases. It is proposed to strike all out and insert therefor—

Mr. GARDNER of Massachusetts. That was the intention.

The SPEAKER. After the whereases, after these words—

Whereas the annual message of the President—

Mr. GARDNER of Massachusetts. The Chair will observe writing on the bottom. The Chair will see I ask to strike out all after the word "whereas" and insert.

The SPEAKER. It seems to the Chair that this proposed amendment is germane.

Mr. WILLIAMS. A parliamentary inquiry.

Mr. TAWNEY. Do I understand the gentleman has offered a resolution to be acted upon now?

The SPEAKER. The gentleman offers an amendment in his time, and has the floor.

Mr. TAWNEY. Does he offer the resolution as an amendment now to be acted on, or for the information of the House?

The SPEAKER. To be acted on when we come to take the final proceeding to bring the House to a vote upon the original resolutions and the proposed substitute.

Mr. WILLIAMS. In order to bring the question to a test, following up my parliamentary inquiry, I will move to lay the resolution offered by the gentleman from Massachusetts on the table.

The SPEAKER. To lay the amendment on the table, the Chair suggests, would lay everything on the table.

Mr. WILLIAMS. I thought the gentleman from Massachusetts had offered an amendment.

Mr. GARDNER of Massachusetts. I raise the point of order that the gentleman from Mississippi is out of order.

Mr. WILLIAMS. I thought the gentleman from Massachusetts had offered an amendment, which I heard read, to the original resolution. I understand, Mr. Speaker, from the gentleman from Illinois [Mr. MANN] that the resolution of the gentleman from Massachusetts proceeds to the entire matter under discussion, and I withdraw the motion I have just made.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move that further consideration of this whole matter be postponed until Monday next at 1 o'clock, and that the amendment be considered as pending. [Cries of "No!"]

Mr. PAYNE. I make the point of order that, under the rule, we can not postpone to a definite time next week.

The SPEAKER. The Chair reads from the Manual, in reply to the gentleman from New York, and desires the attention of the House to clause 4 of Rule XVI:

When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order.

In the absence of a motion of a superior privilege, which would be to adjourn, or lie on the table, or for the previous

question—in the absence of any of these motions, it seems to the Chair that the gentleman's motion is in order.

Mr. GARDNER of Massachusetts. I move the previous question on the motion I have just made.

Mr. WILLIAMS. Now, Mr. Speaker, I understand the gentleman has called for the previous question upon the motion to postpone. Is that correct?

The SPEAKER. That is correct.

Mr. WILLIAMS. Then I move to lay that on the table.

Mr. TAWNEY. I move the previous question on the resolution and the amendment offered by the gentleman from Massachusetts.

The SPEAKER. Pending which the gentleman from Minnesota moves the previous question upon the resolution and upon the pending amendment; and that, it seems to the Chair, would have precedence of the motion of the gentleman from Massachusetts.

Mr. WILLIAMS. I withdraw my motion, in that case.

Mr. GARDNER of Massachusetts. Mr. Speaker, I moved postponement until Monday next.

The SPEAKER. Yes.

Several MEMBERS. Vote! Vote!

Mr. SHERLEY. Mr. Speaker, I make the point of order that the motion—

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts moved to postpone until Monday next.

The SPEAKER. Yes.

Mr. GARDNER of Massachusetts. Upon that he moved the previous question.

The SPEAKER. Yes.

Mr. GARDNER of Massachusetts. Does the Chair rule that, pending the ordering of the previous question, a motion to adopt the amendment and subsequently the resolution is in order?

Mr. TAWNEY. Mr. Speaker, my motion was not to adopt the resolution or amendment, but the previous question on both the resolution and the amendment.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER], having the floor, moves first an amendment. Second, he moves to postpone to a day certain, and upon that motion demands the previous question. Now, that motion that the gentleman makes is a motion inferior in point of privilege to the previous question upon the resolution and the amendment, and, in the opinion of the Chair, it can not be that the gentleman, having the floor, could cut out a motion of higher privilege by simply demanding the previous question upon a motion of lower privilege. Therefore it seems to the Chair that the motion of the gentleman from Minnesota [Mr. TAWNEY] takes precedence of the motion of the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the gentleman from Minnesota can not cut me off from debate on my amendment by moving the previous question.

Mr. FITZGERALD. The gentleman himself has moved to postpone consideration.

The SPEAKER. The gentleman did not commence debate, nor attempt to take the floor for debate. On the contrary, upon being recognized, he proceeded to offer an amendment and to make a motion to postpone consideration. Therefore, so far as the Chair knows, the gentleman did not desire to take the floor for debate. The gentleman having made his motion, availing himself of the floor, must submit to the operation of the rule, for a motion that takes precedence of the gentleman's motion. Of course if the gentleman had commenced debate, he could not be taken off the floor.

Mr. GARDNER of Massachusetts. Mr. Speaker, is the Chair willing that the gentleman from Massachusetts should instruct him on the point of order?

The SPEAKER. The Chair, very briefly, will hear the gentleman on the point of order.

Mr. GARDNER of Massachusetts. Mr. Speaker, I have not the complete book at hand, but I have no doubt it is beside you. I am very confident that it has been decided many a time in this House that before a Member has begun debate he can not be taken off the floor by another Member moving the previous question.

The SPEAKER. The Chair thinks the gentleman will find that the Member to whom that rule applies is the Member in charge of the bill. The gentleman must see at once that if he obtains the floor and does not proceed to debate, but, exercising his right when he has the floor, makes a motion that is inferior

to another motion, that then it is the right of another Member of the House to interpose the superior motion.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. The question will therefore now come on the previous question; and if the previous question is ordered, it will come on the amendment I offered?

The SPEAKER. Precisely. That would be first voted upon.

Mr. GARDNER of Massachusetts. I ask unanimous consent that my amendment may be read again.

The SPEAKER. Without objection, the gentleman's amendment by way of a substitute, or substitute by way of amendment, will be again reported.

The amendment of Mr. GARDNER of Massachusetts was again read by the Clerk.

The SPEAKER. The gentleman from Minnesota moves the previous question on the original resolution and the amendment.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the amendment proposed by the gentleman from Massachusetts [Mr. GARDNER].

The question was taken; and on a division (demanded by Mr. GARDNER of Massachusetts) there were 23 yeas and 225 noes.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask for the yeas and nays.

The question was taken, and the yeas and nays were refused. So the amendment was lost.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move to adjourn.

Mr. WILLIAMS. Contrary to my uniform custom, Mr. Speaker, as a Member of the House of Representatives, I make the point of order that that motion is dilatory. [Laughter.]

The SPEAKER. The Chair will ask the gentleman from Massachusetts, for he knows whether it is a dilatory motion or not.

Mr. GARDNER of Massachusetts. The gentleman from Indiana sitting by me suggests that it is not a dilatory motion, because it is 7 o'clock and we are now hungry. [Laughter.]

Mr. WILLIAMS. I submit that that is insufficient, for I have made that same motion at 9 o'clock and it was considered dilatory. [Laughter.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I must admit that the motion is dilatory.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker. Does not the Chair agree with me that it is beautiful to see the rules applied to a Republican Member?

The SPEAKER. So far as the Chair is concerned, the rules are like the grace of God. [Laughter.] The question is on agreeing to the resolution.

Mr. BENNET of New York. And upon that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 212, nays 36, answered "present" 5, not voting 135, as follows:

YEAS—212.

Acheson	Caulfield	Foulkrod	Hubbard, Iowa
Adamson	Chaney	Fuller	Huff
Alexander, Mo.	Clark, Fla.	Fulton	Hughes, N. J.
Alexander, N. Y.	Clark, Mo.	Gaines, Tenn.	Hull, Iowa
Allen	Clayton	Gaines, W. Va.	Hull, Tenn.
Ames	Cole	Gardner, Mich.	Humphreys, Miss.
Andrus	Cook, Colo.	Gardner, N. J.	James, Ollie M.
Anthony	Cook, Pa.	Garner	Johnson, S. C.
Ashbrook	Cooper, Pa.	Garrett	Jones, Va.
Barchfeld	Cousins	Gill	Jones, Wash.
Barclay	Cox, Ind.	Gillespie	Kahn
Beale, Pa.	Craig	Glass	Kelfer
Beall, Tex.	Cravens	Godwin	Kitchin, Claude
Bell, Ga.	Dalzell	Goebel	Kitchin, Wm. W.
Bingham	Darragh	Gordon	Knapp
Bonyng	De Armond	Graff	Knopf
Boober	Denby	Greene	Lafean
Bontell	Denver	Gregg	Lamb
Bowers	Diekema	Griggs	Law
Bradley	Dixon	Hackney	Lawrence
Brodhead	Draper	Haggott	Lenahan
Broussard	Durey	Hamilton, Iowa	Lever
Brownlow	Dwight	Hamilton, Mich.	Livingston
Brundidge	Edwards, Ga.	Hamlin	Lloyd
Burgess	Ellerbe	Hardwick	Lorimer
Burke	Ellis, Oreg.	Harrison	Loudenslager
Burleson	Estopinal	Haskins	McCall
Burnett	Fairchild	Hawley	McCreary
Burton, Del.	Fassett	Hay	McDermott
Butler	Favrot	Hefflin	McGuire
Calder	Ferris	Helm	McHenry
Caldwell	Fitzgerald	Henry, Tex.	McKinley, Ill.
Candler	Flood	Hill, Miss.	McKinney
Capron	Floyd	Holliday	McLachlan, Cal.
Carlin	Fordney	Howard	McLain
Carter	Foss	Howell, N. J.	Macon
Cassel	Foster, Ind.	Howell, Utah	Madden

Mann	Payne	Slayden	Thistlewood
Marshall	Perkins	Small	Thomas, N. C.
Maynard	Peters	Smith, Cal.	Thomas, Ohio
Miller	Porter	Smith, Iowa	Tirrell
Mondell	Pujo	Smith, Mich.	Tou Velle
Mudd	Rainey	Smith, Mo.	Underwood
Murphy	Ransdell, La.	Smith, Tex.	Volstead
Needham	Rothermel	Stafford	Vreeland
Nicholls	Rucker	Stanley	Waldo
Nye	Russell, Mo.	Steenerson	Wallace
O'Connell	Sabath	Stephens, Tex.	Wanger
Olmsted	Scott	Sulloway	Weeks
Overstreet	Sheppard	Talbott	Wheeler
Padgett	Sherley	Tawney	Williams
Page	Sherwood	Taylor, Ala.	Woodyard
Parker	Sims	Taylor, Ohio	Young

NAYS—36.

Bennet, N. Y.	Foelker	Küstermann	Pollard
Campbell	French	Landis	Pray
Chapman	Gardner, Mass.	Langley	Prince
Cocks, N. Y.	Guernsey	Laning	Reeder
Cooper, Wis.	Hayes	McLaughlin, Mich.	Reynolds
Crumpacker	Henry, Conn.	Madison	Slemp
Davis	Howland	Nelson	Townsend
Douglas	Jenkins	Norris	Washburn
Driscoll	Kinkaid	Parsons	Wilson, Ill.

ANSWERED "PRESENT"—5.

Barnhart	Moon, Tenn.	Pou	Rauch
Currier			

NOT VOTING—135.

Adair	Fornes	Kennedy, Ohio	Randell, Tex.
Aiken	Foster, Ill.	Kimball	Reid
Ansberry	Foster, Vt.	Kipp	Rhinock
Bannon	Fowler	Knowland	Richardson
Bartholdt	Gilhams	Lamar, Fla.	Riordan
Bartlett, Ga.	Gillett	Lamar, Mo.	Roberts
Bartlett, Nev.	Goldfogle	Lassiter	Robinson
Bates	Goulden	Leake	Rodenberg
Bede	Graham	Lee	Russell, Tex.
Bennett, Ky.	Granger	Legare	Ryan
Birdsall	Gronna	Lewis	Saunders
Boyd	Hackett	Lilley	Shackleford
Brantley	Hale	Lindbergh	Sherman
Burleigh	Hall	Lindsay	Snapp
Burton, Ohio	Hamill	Longworth	Southwick
Byrd	Hammond	Loud	Sparkman
Calderhead	Harding	Lovering	Sperry
Cary	Hardy	Lowden	Spight
Cockran	Haugen	McGavin	Sterling
Conner	Hepburn	McKinlay, Cal.	Stevens, Minn.
Cooper, Tex.	Higgins	McMillan	Sturgiss
Coudrey	Hill, Conn.	McMorran	Sulzer
Crawford	Hinshaw	Malby	Swasey
Cushman	Hitchcock	Martin	Watkins
Davenport	Hobson	Moon, Pa.	Watson
Davidson	Houston	Moore, Pa.	Webb
Dawes	Hubbard, W. Va.	Moore, Tex.	Weems
Dawson	Hughes, W. Va.	Morse	Weisse
Edwards, Ky.	Humphrey, Wash.	Mouser	Wiley
Ellis, Mo.	Jackson	Murdoch	Willett
Englebright	James, Addison D.	Olcott	Wilson, Pa.
Esch	Johnson, Ky.	Patterson	Wolf
Finley	Kelher	Pearre	Wood
Focht	Kennedy, Iowa	Pratt	

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. SHERMAN with Mr. RIORDAN.

Until future notice:

Mr. CONNER with Mr. LEGARE.

Mr. BURLEIGH with Mr. BRANTLEY.

Mr. HILL of Connecticut with Mr. GRANGER.

For the day:

Mr. SOUTHWICK with Mr. GOULDEN.

Mr. OLCOTT with Mr. FURNES.

Mr. BATES with Mr. LINDSAY.

Mr. CALDERHEAD with Mr. HOBSON.

Mr. MOORE of Pennsylvania with Mr. HAMMOND.

Mr. SPERRY with Mr. AIKEN.

Mr. FOCHT with Mr. ADAIR.

Mr. LOWDEN with Mr. BARTLETT of Georgia.

Mr. MOON of Pennsylvania with Mr. BYRD.

Mr. GRAHAM with Mr. MOON of Tennessee.

Mr. MCGAVIN with Mr. RAUCH.

Mr. LINDBERGH with Mr. MOORE of Texas.

Mr. BARTHOLOLT with Mr. BARTLETT of Nevada.

Mr. BANNON with Mr. ANSBERRY.

Mr. BEDE with Mr. COCKRAN.

Mr. BENNETT of Kentucky with Mr. COOPER of Texas.

Mr. BIRDSALL with Mr. CRAWFORD.

Mr. BOYD with Mr. DAVENPORT.

Mr. BURTON of Ohio with Mr. FOSTER of Illinois.

Mr. CARY with Mr. GOLDFOGLE.

Mr. COUDREY with Mr. HACKETT.

Mr. CUSHMAN with Mr. HAMILL.

Mr. DAVIDSON with Mr. HARDY.

Mr. DAWES with Mr. HITCHCOCK.

Mr. DAWSON with Mr. HOUSTON.

Mr. EDWARDS of Kentucky with Mr. JOHNSON of Kentucky.
 Mr. ELLIS of Missouri with Mr. KELIHER.
 Mr. ESCH with Mr. LEE.
 Mr. FOSTER of Vermont with Mr. POE.
 Mr. FOWLER with Mr. KIMBALL.
 Mr. GILHAM with Mr. LAMAR of Florida.
 Mr. GILLET with Mr. LAMAR of Missouri.
 Mr. HALE with Mr. LASSITER.
 Mr. HAUGEN with Mr. LEAKE.
 Mr. HEPBURN with Mr. LEWIS.
 Mr. HINSHAW with Mr. PATTERSON.
 Mr. HUBBARD of West Virginia with Mr. PRATT.
 Mr. HUGHES of West Virginia with Mr. RANDALL of Texas.
 Mr. HUMPHREY of Washington with Mr. REID.
 Mr. KENNEDY of Iowa with Mr. RHINOCK.
 Mr. KENNEDY of Ohio with Mr. RICHARDSON.
 Mr. LONGWORTH with Mr. ROBINSON.
 Mr. LOUD with Mr. RUSSELL of Texas.
 Mr. LOVERING with Mr. RYAN.
 Mr. MCKINLAY of California with Mr. SAUNDERS.
 Mr. McMILLAN with Mr. SHACKLEFORD.
 Mr. McMORRAN with Mr. SPARKMAN.
 Mr. MALBY with Mr. SULZER.
 Mr. MOUSER with Mr. SPIGHT.
 Mr. PEARRE with Mr. WATKINS.
 Mr. ROBERTS with Mr. WEBB.
 Mr. RODENBERG with Mr. WEISSE.
 Mr. SNAPP with Mr. WILEY.
 Mr. STERLING with Mr. WILLETT.
 Mr. STEVENS of Minnesota with Mr. WOLF.
 Mr. WATSON with Mr. WILSON of Pennsylvania.
 Mr. CURRIER. Mr. Speaker, is the gentleman from South Carolina, Mr. FINLEY, recorded as voting?

The SPEAKER. He is not.
 Mr. CURRIER. Then I desire to withdraw my vote and vote "Present."

The SPEAKER. Call the gentleman's name.
 The name of Mr. CURRIER was called, and he answered "Present."

The result of the vote was announced as above recorded.
 On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was passed was laid on the table.

Mr. LANGLEY. Mr. Speaker, before we adjourn I desire to state to the House that I was called away on an important matter and intended to return before debate closed in order that I might state briefly to the House the reasons why I could not vote for this resolution in the shape it was reported by the committee. Debate had closed before I returned, and I now ask unanimous consent that I may insert in the RECORD those reasons.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I object.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, this morning I obtained unanimous consent that the consideration of pension bills in order to-day be made in order on Tuesday next. At that time it was my understanding that this debate just closed would occupy to-morrow. I now ask unanimous consent that their consideration be in order to-morrow instead of Tuesday next, immediately after the reading of the Journal.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Then Tuesday next is not to be devoted to the consideration of pension bills?

Mr. SULLOWAY. No.

The SPEAKER. The Chair hears no objection, and it is so ordered.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 13649. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth district.

EXTENDING REMARKS IN THE RECORD.

Mr. WEEKS. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. WILLIAMS. I object. I am compelled to do this because I am going to object to every request of a similar character on this particular question.

The SPEAKER. Objection is heard.

ADJOURNMENT.

Then, on motion of Mr. PERKINS (at 7 o'clock and 27 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a list of leases granted under authority of the act of July 28, 1882 (H. Doc. No. 1298)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for purchase of land for the Bureau of Engraving and Printing (H. Doc. No. 1299)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a recommendation for the reimbursement of Ormsby County, Nev. (H. Doc. No. 1300)—to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BRODHEAD, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. J. Res. 200) granting to the Fifth Regiment Maryland National Guard the use of the corridors of the court-house of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District, reported the same without amendment, accompanied by a report (No. 1827), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 22239) to regulate the conduct of the laundry business in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1828), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 6252) to promote the administration of justice in the navy, reported the same with amendments, accompanied by a report (No. 1831), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 6164) to revise and amend the United States statutes relating to the commitment of United States prisoners to reformatories of States, reported the same without amendment, accompanied by a report (No. 1829), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8277) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank, reported the same with amendment, accompanied by a report (No. 1830), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 24396) granting a pension to John Alexander, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUGHES of New Jersey: A bill (H. R. 25674) for the relief of certain employees of the United States during the civil war whose wages were withheld and used for other purposes—to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 25675) to establish and construct a national highway from the southern limits of the city of St. Louis to the national cemetery at Jefferson Barracks, Missouri—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 25676) for the erection of a public building at Sycamore, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. FOULKROD: A bill (H. R. 25677) authorizing the Secretary of War to purchase certain land adjoining the Frankford Arsenal, Philadelphia, Pa.—to the Committee on Appropriations.

By Mr. GREENE: A bill (H. R. 25678) to require life-preservers on motor vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Michigan: A bill (H. R. 25679) for the extension of Columbia road NW., in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MADDEN: Resolution (H. Res. 479) requesting the Interstate Commerce Commission to send to the House certain information—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Tennessee: Concurrent resolution (H. C. Res. 49) providing for the printing in one volume of all United States Statutes relating to duties on imports and taxes on incomes—to the Committee on Printing.

By Mr. LARRINAGA: Concurrent resolution (H. C. Res. 50) for the survey of Arecibo Harbor, in the island of Porto Rico—to the Committee on Rivers and Harbors.

Also, concurrent resolution (H. C. Res. 51) for a survey of Ponce Harbor, in the island of Porto Rico—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 25680) granting a pension to John H. Ashbaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25681) granting a pension to William A. Orr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25682) to remove the charge of desertion against William H. Shafer and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BARNHART: A bill (H. R. 25683) granting an increase of pension to Harrison Horner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25684) granting an increase of pension to Jeremiah Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25685) granting an increase of pension to Ezra K. Barnhill—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 25686) granting an increase of pension to Florence F. Stewart—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 25687) granting an increase of pension to Simeon Flory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25688) granting an increase of pension to Theodore Brodt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25689) granting an increase of pension to Jacob Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25690) granting an increase of pension to William B. Schock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25691) granting an increase of pension to David G. Williamson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 25692) granting an increase of pension to William Goodwin—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 25693) granting an increase of pension to Thomas Hingson—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 25694) granting an increase of pension to William H. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25695) granting an increase of pension to Charles L. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25696) granting an increase of pension to Jackson Kindsman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25697) granting an increase of pension to Fenton Bagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25698) granting an increase of pension to Joseph Beisser—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 25699) granting an increase of pension to John H. Turpin, jr.—to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 25700) granting an increase of pension to John S. Herriman—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 25701) granting a pension to Matthew M. Finch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25702) granting an increase of pension to Max Sekel—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 25703) granting a pension to Frank Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25704) granting a pension to Martha J. Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25705) granting a pension to James Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25706) granting an increase of pension to Uriah Bickers—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 25707) to provide American register for the steamer *Robert McDonald*—to the Committee on the Merchant Marine and Fisheries.

By Mr. LANING: A bill (H. R. 25708) granting a pension to Charles T. Wolfe—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 25709) granting a pension to Alice S. Sturgeon—to the Committee on Invalid Pensions.

By Mr. MCKINLAY of California: A bill (H. R. 25710) granting an increase of pension to Andrew McClory—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 25711) granting a pension to Sarah E. Harvey—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 25712) granting an increase of pension to John H. Horn—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 25713) granting a pension to William Fortner—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 25714) granting an increase of pension to John Burton—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 25715) granting an increase of pension to Morgan M. Lane—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 25716) granting an increase of pension to Amzi F. White—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 25717) granting a pension to August Pfefferle—to the Committee on Pensions.

Also, a bill (H. R. 25718) granting a pension to Harry E. Wood—to the Committee on Pensions.

Also, a bill (H. R. 25719) granting a pension to Charles E. Barry—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 25720) granting an increase of pension to Alice V. Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25721) granting an increase of pension to Samuel K. Galbaugh—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 25722) granting an increase of pension to Joseph Evans—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 25723) granting a pension to Elizabeth A. Driskell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25724) granting a pension to Mrs. W. S. Kirby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25725) for the relief of Nathan Whitaker—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 25726) granting an increase of pension to John F. Ornts—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 25727) granting a pension to Annie Oleson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25728) granting an increase of pension to Arthur B. Carr—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 25729) granting an increase of pension to Charles W. Sager—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 25730) granting an increase of pension to James M. Blankenship—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25731) granting an increase of pension to Theodore Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25732) granting an increase of pension to Henry Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25733) granting an increase of pension to John M. Keeler—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 25734) granting an increase of pension to Marcus Billstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25735) granting an honorable discharge to Marcus Billstein—to the Committee on Military Affairs.

By Mr. McKINLEY of Illinois: A bill (H. R. 25736) granting an increase of pension to Albert Bell—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 25737) for the relief of the estate of Alexander C. McGillivray, deceased—to the Committee on Claims.

By Mr. PARSONS: A bill (H. R. 25738) making an appropriation for the payment of certain judgments against the collector of internal revenue of the United States for the first district of New York—to the Committee on Appropriations.

By Mr. POLLARD: A bill (H. R. 25739) granting an increase of pension to Jerome De Vriendt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25740) granting an increase of pension to Benjamin H. Bailey—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 25741) granting an increase of pension to James Bennett—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 25742) granting an increase of pension to Cornelius S. Abrahams—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of St. Louis Typographical Union, protesting against judgment of the United States court in cases of Samuel Gompers and others—to the Committee on the Judiciary.

Also, petition of the Lake Mohonk Conference of Friends of the Indian, praying for legislation to prevent the production, manufacture, importation, sale, or distribution of opium—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Humboldt Chamber of Commerce, of Eureka, Cal., praying for the restoration of the jetties of Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of the executive committee of the Prison Association of New York, praying for an appropriation in aid of the International Prison Congress to be held in Washington, D. C., in 1910—to the Committee on the Judiciary.

Also, petition of the East Columbia Conference of the Methodist Episcopal Church South, praying for the enactment of legislation to prevent Sunday banking in post-offices and handling registered letters—to the Committee on the Post-Office and Post-Roads.

Also, petition of the East Columbia Conference of the Methodist Episcopal Church, praying for legislation requiring individuals and corporations engaged in interstate commerce to give to each of their employees who work on Sunday a full 24-hour rest day—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Philadelphia (Pa.) Board of Trade, praying for legislation relating to the transportation by sea of material and equipment for the construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Los Angeles (Cal.) Chamber of Commerce, praying for an increase in the salaries of United States circuit and district judges—to the Committee on the Judiciary.

Also, petition of the Los Angeles (Cal.) Chamber of Commerce, praying for the restoration of the jetties at Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of Arthur Sewell & Co. and the Bath Iron Works (Limited), of Bath, Me., praying for the passage of legislation to provide for the transportation by sea of material for use in the construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. M. Gourley, of Neoga, Ill., and 1 other protesting against the passage of the so-called "Sunday observance bill"—to the Committee on the District of Columbia.

Also, petition of William Eames and 18 other citizens of Colorado Springs, protesting against the passage of the so-called "observance of Sunday bill for the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of the Portland (Oreg.) Chamber of Commerce, praying for the restoration and building of the jetties at Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of the state board of charities, of New York, praying for legislation to provide proper entertainment for the International Prison Congress to be held in Washington, D. C., in 1910—to the Committee on the Judiciary.

Also, petition of the Northeast Washington Citizens' Association, protesting against further agitation of the question of a change in the form of government for the District of Columbia, and praying for legislation to regulate the manufacture and sale of gas in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Giles H. Bush and other officers and members of the Danville Branch of the National Home for Disabled Volunteer Soldiers, praying for the passage of the bill to establish a so-called "volunteer retired list"—to the Committee on Military Affairs.

Also, petition of C. A. Wright and 112 other citizens, praying for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of Elm Grove Grange, No. 644, of Pulaski Township, Williams County, Ohio, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Chicago, Toledo, and Cincinnati Deep Waterways Association, passed at Defiance, Ohio, December 28, for construction of canal between Toledo and Chicago—to the Committee on Rivers and Harbors.

By Mr. ASHBROOK: Petition of Charles Wagner and others, of Ohio, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of Orrville Savings Bank, against parcels post on rural free-delivery routes and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chicago, Toledo, and Cincinnati Deep Waterways Association, for canal between Toledo and Chicago—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: Petition of Atmore & Co., of Philadelphia, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. CALDER: Paper to accompany bill for relief of Stephen A. Barber—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Harriet J. Morris (H. R. 22416)—to the Committee on Invalid Pensions.

Also, petition of National Grange, Patrons of Husbandry, of Concord, N. H., praying for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Brooklyn, N. Y., for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Petition of Francis E. Green Camp, United Spanish War Veterans, favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. COOK: Petition of American Prison Association, for suitable appropriation for entertainment of the Congress of the International Prison Commission—to the Committee on the Judiciary.

By Mr. DAVIS: Petitions of citizens and teachers of Hale County, Tex., favoring Davis bill for national cooperation in technical education—to the Committee on Education.

By Mr. DE ARMOND: Paper to accompany bill for relief of George W. Wolfe—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jacob S. Young—to the Committee on Claims.

By Mr. FAIRCHILD: Petition of George E. House and others, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. FOCHT: Paper to accompany bill for relief of Henry G. Chritzman—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of National Grange, Patrons of Husbandry, for highway improvement (H. R. 15837)—to the Committee on Agriculture.

Also, petition of G. W. Da Cunha, of Upper Montclair, N. J., favoring salary of \$100,000 for the President of the United States—to the Committee on Appropriations.

By Mr. GILHAMS: Petition of W. L. Lamb and others, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. GRANGER: Petition of Providence Board of Trade, favoring S. 6973 (increasing salaries of United States judges)—to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petition of citizens of St. Joseph County, Mich., favoring a parcels-post law and savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. HASKINS: Petition of H. S. Norcross and others, of West Dummerston, Vt., Grange No. 401, favoring postal savings banks and parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petitions of citizens of San Francisco, Cal., as follows: Charles A. Manert, Joseph V. Ducoring, E. Calmhardt, R. I. Wirbs, Frank E. Maxwell, Andrew J. Gallagher, H. Sagor, Jacob Bauer, James Burlan, C. W. Peck, Patrick O'Brien, John J. Breslin, John O'Fallon, H. E. Lubden, Charles L. Schilling, William Doud, S. J. Gardner, J. S. Slattery, George Robertson, L. Strickland, Theodore B. Ketelson, William P. McCabe, John O. Walsh, Oscar H. Hinten, N. L. Hanley, William McIntosh, Anton P. Wohl, F. Q. Jackson, Patrick Carroll, F. W. Zimmerman, A. J. Beck, and John Wagner; of Fred W. Brandie and J. J. Mullaly, of San Jose, Cal.; of T. Harton, Dennis Coffee, Walter Dalton, Thomas Mason, W. Pence, and Thomas Lord; of Frank Zergler and 22 other citizens of Sacramento, Cal.; of J. R. Bowden and 95 other citizens of San Jose, Cal.; and of L. M. Mullinix and 46 other citizens of Louin, Miss., favoring an exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HOUSTON: Paper to accompany bill for relief of James B. Prosser (H. R. 23919)—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Ferdinand H. Wurdemann—to the Committee on Invalid Pensions.

By Mr. KAHN: Petitions of W. H. Smith and 95 other residents of Sparks and Reno, Nev.; O. B. Anderson and 115 other residents of Seattle, Wash.; M. Garfinkle and 149 other residents of San Francisco, Cal.; and J. A. Sopp and 143 other residents of San Francisco, Cal., favoring an exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KIMBALL: Paper to accompany bill for relief of W. W. Aleoke—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of Sandy Creek Grange, No. 127, of New York, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MARSHALL: Petition of B. W. Schouweiler, of Fairmount, N. Dak., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of North Dakota, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of residents of Morton and Oliver counties, N. Dak., for appropriation to protect west bank of Missouri River—to the Committee on Rivers and Harbors.

Also, petition of citizens of North Dakota, favoring S. 5117 and H. R. 18445 (to investigate and develop methods for treatment of tuberculosis)—to the Committee on Appropriations.

By Mr. NORRIS: Petitions of citizens of Kearney County, citizens of Harlan County, and citizens of Nuckolls County, all in the State of Nebraska, against a parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. NYE: Petition of Trades and Labor Assembly of Minneapolis, Minn., against delivery by the United States Government of Jan Pauren and Christian Rudowitz as prisoners to the Russian Government—to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of American Prison Association for suitable provision for the preparatory work of the International Prison Commission and for the entertainment of the congress—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of Indiana Conference of Seventh Day Adventists, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. POLLARD: Petition of Lincoln Commercial Club, of Lincoln, Nebr., favoring a tariff commission to deal with tariff legislation—to the Committee on Ways and Means.

By Mr. PUJO: Memorial of the general assembly of Louisiana in 1908, favoring legislation to construct a dam across Bayou Courtableau on west bank of Atchafalaya basin levee district to protect by levee its arable territory from overflow, legislation granting to the State of Louisiana the public lands of United States in the State, legislation establishing a national standard of classification of the marketable grades of cotton, and legislation for national park on site of the battle of New Orleans—to the Committee on Rivers and Harbors.

By Mr. RANDELL of Louisiana: Paper to accompany bill for relief of Mrs. H. L. Slack, heir of Benjamin Temple—to the Committee on War Claims.

By Mr. RHINOCK: Paper to accompany bill for relief of William Fortner—to the Committee on Invalid Pensions.

Also, petition of citizens of Kentucky, favoring parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Henry B. Fenton—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of American Prison Association, for suitable appropriation for the Congress of the International Prison Commission—to the Committee on the Judiciary.

Also, petition of National Woman's Christian Temperance Union convention at Denver, Colo., for legislation to protect prohibition States from the liquor traffic through interstate commerce—to the Committee on the Judiciary.

By Mr. SULZER: Petition of James Post, George L. Miles, and J. H. Rice, of New York, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petitions of citizens of Blissfield, Springfield (Grange No. 45), Auburn, North Adrian (Grange), Ousted, and North Rome, all in the State of Michigan, favoring a parcels-post and a postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of residents of Alfred, N. Y., for parcels post on rural delivery routes and a postal savings-banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petitions of Western Electric Company, of Philadelphia; Felton, Sibly & Co., of Philadelphia; and Philadelphia Creditmen's Association, favoring S. 6975 (increase of judges' salaries)—to the Committee on the Judiciary.

By Mr. WOOD: Paper to accompany bill for relief of Gershon C. Hires—to the Committee on Invalid Pensions.

Also, petition of A. H. Friedmann and S. T. Karne, of Boundbrook, N. J., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Cornelius S. Abrahams—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, January 9, 1909.

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

These men were honored in their generation; and they were a glory in their day.

These were men of mercy, whose righteous deeds have not been forgotten.

The peoples will declare their wisdom; and the congregation shall show forth their praise.

Let us pray.

Father, to-day we thank Thee for the men who have served Thee, and served this people, and served this Nation in the days which have passed, in the days which are here. Thou hast been pleased to answer the prayer of this people. From year to year and from century to century Thou hast sent us men who loved the Nation more than they loved themselves, who served this people and served Thee. Going and coming—in the field, on the sea—in the wilderness and in this Senate Chamber Thou hast sent Thy servants to do Thy perfect will.

Teach this Nation to-day what it is when men and women and children live for others, when they forget themselves for the common good, when they are strong in Thine almighty strength, when they do not ask to be praised of men, but seek the praise of God.

Bless us in this Congress; bless us in these States; bless us in this Nation; and make of this people that happy Nation whose God is the Lord. We ask it in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, Thine is the power, and Thine is the glory, forever and ever. Amen.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 5, 1909:

S. 3125. An act for the relief of Jabez Burchard;

S. 1162. An act to correct the naval record of Alfred Burgess; and

S. 5263. An act for the relief of William Parker Sedgwick.

On January 6, 1909:

S. 534. An act to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps.

On January 7, 1909:

S. 2027. An act for the relief of Philip Hague, administrator of the estate of Joseph Hague, deceased.